

EXHIBIT A

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1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 X
5 ALLEN STEIN, as Trustee of the Rachel
6 Meisels Irrevocable Trust 2006B,
7
8 PLAINTIFF,
9
10 -against- Case No:
11 11-CV-6009
12 (DLI) (JO)
13
14 AMERICAN GENERAL LIFE INSURANCE COMPANY,
15
16 DEFENDANT.
17 ----- X
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19 DATE: August 29, 2012
20 TIME: 10:10 A.M.
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22
23 DEPOSITION of the Defendant,
24 AMERICAN GENERAL LIFE INSURANCE, by a
25 witness, DEBBIE SUTTON, taken by the
Plaintiff, pursuant to a Notice and to the
Federal Rules of Civil Procedure, held at
the offices of Wilson Elser Moskowitz
Edelman & Dicker, LLP, 150 East 42nd
Street, New York, New York 10017, before
Cleo Shenkin, a Notary Public of the State
of New York.

DIAMOND
info@diamondreporing.com

REPORTING (718) 624-7200

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2 APPEARANCES:
3
4 LIPSIOUS-BENHAIM LAW LLP
5 Attorney for the Plaintiff
6 ALLEN STEIN, as Trustee of the Rachel
7 Meisels Irrevocable Trust 2006B
8 80-02 Kew Gardens Road, Suite 1030
9 Kew Gardens, New York 11415
10 BY: IRA S. LIPSIOUS, ESQ.
11 -and-
12 CHERYL LIPSIOUS, ESQ.
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1 SUTTON
2 hour late; though, I do not believe I
3 will need that amount of time.
4 MR. LESKO: Okay. But just so
5 you are clear, and for your planning
6 purposes, she is leaving at
7 5 o'clock, no matter what. And if
8 you want her to come back, you can
9 make a motion. Depending on what
10 happens today, we can deal with that,
11 when it comes.
12 MR. LIPSIOUS: Or if it comes,
13 we will contact the Court and ask the
14 Court for direction at about
15 4 o'clock.
16 MR. LESKO: Okay, and then
17 Judge Orenstein can instruct, if he
18 so chooses, that Ms. Sutton cannot
19 leave and be home for her husband's
20 surgery tomorrow, that is fine.
21 You can proceed, Counsel.
22 EXAMINATION BY
23 MR. LIPSIOUS:
24 Q. Please state your name for the
25 record.

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1 SUTTON
2 A. Debbie Sutton.
3 Q. What is your address?
4 A. 2401 East Lake Shore Drive,
5 Taylorville, Illinois 62568.
6 Q. Ms. Sutton, are you employed?
7 A. Yes.
8 Q. And by whom are you employed?
9 A. American General Life.
10 Q. And does your pay come from
11 American General Life?
12 MR. LESKO: Objection to form.
13 A. It comes from AIG American
14 General Life.
15 Q. It comes from AIG American
16 General Life?
17 A. Yes.
18 MR. LESKO: Objection to form.
19 Q. And how long have you been
20 employed by American General Life?
21 A. Thirty-two years.
22 Q. What is your current title?
23 A. Director of customer services.
24 Q. And how long have you had that
25 title?

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1 SUTTON
2 A. A year and a half,
3 approximately.
4 Q. Pardon me?
5 A. Approximately a year and a
6 half.
7 Q. Okay, and before that, did you
8 have a different title?
9 A. Yes.
10 Q. And what was that title?
11 A. Associate director of our agent
12 debt management department.
13 Q. And how long did you hold that
14 position?
15 A. I was in that department about
16 thirteen years.
17 Q. And do you have an office
18 within a facility operated by American
19 General?
20 A. Yes.
21 Q. And where is that office
22 located?
23 A. Springfield, Illinois.
24 Q. How long have you been at the
25 Springfield, Illinois office?

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1 SUTTON
2 A. Thirty-two years.
3 Q. Have you seen a document
4 titled, "Notice of Deposition Pursuant to
5 Federal Rules of Civil Procedure 30(b)(6)"?
6 A. Yes.
7 Q. When did you last see that
8 document?
9 A. Yesterday.
10 Q. When did you first see that
11 document?
12 MR. LESKO: I am going to
13 object to form and instruct the
14 witness not to answer, Counsel,
15 because for her to answer, she has
16 got to tell you when I provided that
17 and that is attorney-client
18 communication, so she is not
19 answering that question.
20 MR. LIPSIOUS: That is not an
21 attorney-client communication as to
22 when it was provided to her and,
23 therefore, if you instruct her not to
24 answer, we can go to the judge with
25 that question.

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1 SUTTON
 2 MR. LESKO: Okay, go to judge,
 3 please.
 4 MR. LIPSIUS: Could you mark
 5 that. We are going to have many of
 6 these today, so we are going to mark
 7 it.
 8 And, Cheryl, while we are doing
 9 this, can you ask if the judge can be
 10 available somewhere in about an hour,
 11 so we can mark a large group of
 12 questions together, instead of
 13 bothering the judge for every
 14 problem.
 15 CONTINUED EXAMINATION
 16 BY MR. LIPSIUS:
 17 Q. Did you spend time yesterday
 18 with your attorney?
 19 MR. LESKO: Objection to form.
 20 That calls for attorney-client
 21 communication and work product.
 22 Don't answer that question.
 23 MR. LIPSIUS: Could you mark
 24 that, as well.
 25 Q. Did you prepare for today's

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1 SUTTON

11

1 SUTTON
 2 MR. LIPSIUS: Excuse me. You
 3 can object --
 4 MR. LESKO: Stop. Stop.
 5 MR. LIPSIUS: No, one second,
 6 Mr. Lesko. You can object; you can't
 7 direct a witness or try to control a
 8 deposition. You can object under the
 9 federal rules and that is it. Your
 10 objection or objection as to form or
 11 instruct the witness, you cannot
 12 instruct a witness as to how to
 13 answer a question, you know it and
 14 you have been an attorney long enough
 15 to know that this is totally in
 16 violation of that rule.
 17 MR. LESKO: Were you finished
 18 with your answer?
 19 THE WITNESS: I was.
 20 MR. LESKO: Did you tell him
 21 everything that you did to prepare
 22 for the deposition?
 23 THE WITNESS: Yes.
 24 MR. LESKO: Including what we
 25 did together?

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2 deposition?
 3 A. Yes.
 4 Q. And how did you prepare for
 5 today's deposition?
 6 MR. LESKO: Hold on.
 7 Objection, to the extent it
 8 calls for attorney-client
 9 communication or work product.
 10 Ms. Sutton, I instruct you or I
 11 advise you that to the extent your
 12 answer requires you to disclose
 13 communications from me or documents
 14 that you may have reviewed at my
 15 direction, so as advised, and then I
 16 advise you not to answer the
 17 question.
 18 A. I prepared by reviewing a
 19 couple of notifications that went out to
 20 the client.
 21 MR. LESKO: Did your
 22 preparation also included
 23 communication --
 24 MR. LIPSIUS: Excuse me.
 25 MR. LESKO: -- with me?

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1 SUTTON
 2 THE WITNESS: Not including
 3 what we did together.
 4 MR. LESKO: Okay. So you took
 5 my advice not to answer the question
 6 to the extent it calls for
 7 attorney-client communication --
 8 THE WITNESS: Correct.
 9 MR. LESKO: -- or work product?
 10 THE WITNESS: Correct.
 11 MR. LESKO: Okay.
 12 CONTINUED EXAMINATION
 13 BY MR. LIPSIUS:
 14 Q. What other documents did you
 15 look at? Did you look at any other
 16 document other than the two documents you
 17 referred to?
 18 A. No.
 19 MR. LESKO: Same objection.
 20 No, wait a minute.
 21 Object to form.
 22 And same instruction to the
 23 witness, if you looked at other
 24 documents, say yes, but don't tell
 25 him what documents they were, because

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13

1 SUTTON
14
2 that would be disclosing
3 attorney-client privilege and work
4 product, okay?
5 A. Yes.
6 Q. Did you look at other
7 documents?
8 A. Yes.
9 Q. So your statement before was
10 incorrect or false when you said you did
11 not look at other documents --
12 MR. LESKO: Objection to form.
13 Q. -- is that correct?
14 MR. LESKO: Objection to form.
15 Q. Now can you answer that
16 question.
17 A. My answer is I have looked at
18 documents prior to this, a couple of key
19 documents prior to my meeting with counsel.
20 Q. And did you look at any
21 documents with counsel?
22 A. Yes.
23 Q. Okay, and what document did you
24 look at with counsel?
25 MR. LESKO: Objection to form.

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1 SUTTON
2 I advise the witness not to
3 answer.
4 A. I will not answer that.
5 MR. LESKO: I'm sorry,
6 objection because it calls for
7 privileged communications and work
8 product.
9 Q. What other preparations did you
10 do prior to yesterday for this deposition?
11 MR. LESKO: Objection to form;
12 asked and answered.
13 You can answer it, again.
14 A. No other.
15 Q. Did you meet with anybody at
16 the company to discuss this deposition
17 prior to yesterday?
18 MR. LESKO: Objection to the
19 form.
20 A. No.
21 Q. Were you told to look at any
22 documents prior to yesterday?
23 MR. LESKO: Objection to form
24 and to the extent it calls for
25 attorney-client communication or work

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15
1 SUTTON
2 product.
3 If I directed you to look at
4 documents, or anybody in my office
5 directed you to look at documents,
6 don't disclose that instruction.
7 MR. LIPSIUS: Okay. You have
8 gone well beyond anything permitted
9 as far as --
10 MR. LESKO: I don't want to
11 hear your argument.
12 MR. LIPSIUS: Mr. Lesko.
13 MR. LESKO: I will not argue
14 with you, Mr. Lipsius.
15 MR. LIPSIUS: I am putting for
16 the record, so you can keep quite
17 while I put it for the record, if you
18 don't like what I am saying.
19 MR. LESKO: Okay, this goes
20 against your time, Mr. Lipsius.
21 MR. LIPSIUS: Well, when the
22 Court is going to be involved, we are
23 going to see that.
24 MR. LESKO: Go ahead.
25 MR. LIPSIUS: Okay.

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1 SUTTON
2 CONTINUED EXAMINATION
3 BY MR. LIPSIUS:
4 Q. When did you see this notice of
5 deposition that we discussed, the 30(b)(6)
6 notice?
7 MR. LESKO: Objection. Asked
8 and answered.
9 A. Yesterday.
10 Q. Under what circumstances did
11 you see this document.
12 MR. LESKO: Objection. Vague.
13 Ambiguous.
14 To the extent you understand
15 the question and you can answer it,
16 but if you believe it calls for the
17 disclosure of attorney-client
18 communication, then so indicate.
19 A. Please restate the question?
20 MR. LIPSIUS: Could you repeat
21 it.
22 (Whereupon, the referred to
23 question was read back by the
24 Reporter.)
25 MR. LESKO: Same objection.

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2 A. It was just during my time with
3 my counsel.

4 Q. Who asked you to attend this
5 deposition today?

6 MR. LESKO: Is he not asking
7 you if counsel asked you to attend.

8 MR. LIPSIUS: Well, if it was
9 counsel, then I expect that answer;
10 if not --

11 MR. LESKO: If it was counsel,
12 say it calls for attorney-client
13 communication, and I instruct you not
14 to answer.

15 A. Our legal department
16 actually --

17 MR. LESKO: Object to form.

18 I instruct her not to answer.

19 MR. LIPSIUS: You can't object
20 to form to her answer.

21 MR. LESKO: I'm sorry,
22 objection don't answer. It calls for
23 attorney-client communication.

24 Q. Who at your legal department
25 asked you to attend?

3 Don't answer it.

4 A. I could not answer.

5 I will not answer.

6 Q. Did anyone prepare you in your
7 legal department for this deposition today?

8 MR. LESKO: Objection. Calls

9 for attorney-client communication and
10 work product.

11 Please don't answer the
12 question.

13 A. No.

14 Q. Did you make any inquiries of
15 anyone within the American General Life
16 Insurance Company that would permit you to
17 answer the questions or the issues that
18 have been raised in the 30(b)(6) notice?

19 MR. LESKO: Objection to form.

20 You can answer that, if you
21 understand it.

22 A. Yes, I have.

23 Q. And who did you make inquiries
24 of?

25 MR. LESKO: Other than counsel.

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1 SUTTON

2 MR. LESKO: Same objection.

19

1 SUTTON

2 A. Inquires to our manager of
3 reinstatements.

4 Q. And what is his name?

5 A. Her name Alyssa, A-L-Y-S-S-A,
6 Stokes, S-T-O-K-E-S.

7 The manager of direct payments,
8 Janet, J-A-N-E-T, Fleigle, F-L-E-I-G-L-E.

9 Q. Anyone else?

10 A. Our director of mail services,
11 Frank Vallis.

12 F-R-A-N-K, V-A-L-L-I-S.

13 Q. Okay.

14 A. And our business analyst,
15 Tomeko, T-O-M-E-K-O, Stewart,
16 S-T-E-W-A-R-T.

17 MR. LIPSIUS: Off the record.

18 (Whereupon, at 10:23 a.m., a
19 break was taken to call Magistrate
20 Judge Orenstein's chambers.)

21 MR. LIPSIUS: Can you mark this
22 for identification.

23 (Whereupon, the aforementioned
24 copy of document entitled, "Notice of
25 Deposition Pursuant to Fed. R. Civ P.

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1 SUTTON

2 30(b)(6) of American General Life
3 Insurance Company" and attachments,
4 seven pages marked as Plaintiff(s)'
5 Exhibit 1 for identification as of
6 this date by the Reporter.)

7 MR. LESKO: All right, I have
8 discussed with Ms. Sutton and some
9 colleagues of mine Magistrate Judge
10 Orenstein's ruling regarding the
11 timing and circumstances of review
12 pursuant to my argument that that
13 will reveal attorney-client
14 communication and work product and
15 asked for their input.

16 We are currently looking at
17 that, and as of now, I will not allow
18 the witness to answer questions along
19 those lines in order to preserve the
20 privilege for appeal.

21 And if my colleagues suggest
22 that we may not be on solid footing,
23 then I will relent on that and allow
24 her to answer the question.

25 What I suggest is that you move

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21

1 SUTTON
2 on now, you can ask her about
3 documents, we are not going to
4 instruct her not to answer what
5 documents she reviewed, but I would
6 ask you to refrain from the question
7 of timing and circumstances for now
8 and come back to it later. If you
9 ask now, I will have to instruct her
10 not to answer and mark it for later.

11 MR. LIPSIUS: I would like to
12 make a record on each issue that you
13 instruct the witness not to answer.

14 (Whereupon, at 10:56 a.m., the
15 examination resumed.)

16 CONTINUED EXAMINATION

17 BY MR. LIPSIUS:

18 Q. Did you have any discussions
19 with your attorney since the end of the
20 phone call with Magistrate Judge Orenstein
21 until this morning?

22 MR. LESKO: Objection. That
23 calls for attorney-client
24 communication. I instruct the
25 witness not to answer.

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1 SUTTON
2 objection was made.
3 MR. LIPSIUS: Well, I would
4 like the witness to answer which she
5 is and which she is not prepared to
6 answer.
7 Q. Are you prepared to answer
8 questions relating to the affirmative
9 defenses asserted by American General in
10 this litigation?

11 MR. LESKO: Objection.

12 MR. LIPSIUS: Just objection;
13 no speaking objections. You know the
14 Federal Rules of Civil Procedure, you
15 know it very well, and that these are
16 totally inappropriate, your
17 objections. You want to put
18 objection, put objection.

19 MR. LESKO: This question is
20 inappropriate and harassing, I will
21 not allow her to answer it. She will
22 not answer questions as to item
23 No. 1, as per our response that I
24 provided to you before this
25 deposition.

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23

1 SUTTON
2 MR. LIPSIUS: Just for the
3 record, so we can mark it for the
4 judge, a communication between an
5 attorney and client in the middle of
6 a deposition that involves the
7 deposition has no privilege.

8 MR. LESKO: But not if it deals
9 with whether or not privilege applies
10 to the question asked.

11 MR. LIPSIUS: We will let the
12 judge rule on that.

13 MR. LESKO: Yes, we will.

14 Q. You went through the 30(b)(6)
15 notice of deposition, are you prepared to
16 answer all ten subjects raised in the
17 notice pursuant to 30(b)(6)?

18 MR. LESKO: Objection to form.

19 And I will answer that.

20 Mr. Lipsius, we provided
21 objections and responses to the
22 30(b)(6) notice, this witness will
23 testify only with respect to that
24 which we indicated she will testify,
25 not with respect to those for which

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24

1 SUTTON
2 MR. LIPSIUS: I would like her
3 answer.

4 Q. Are you prepared to answer
5 questions on item No. 1?

6 MR. LESKO: Do you know.

7 A. I wouldn't know and I would
8 have to refer to the responses.

9 Q. Okay, well, I give you the
10 notice of deposition.

11 MR. LESKO: The witness asked
12 for the responses.

13 MR. LIPSIUS: I will conduct my
14 deposition my way, Mr. Lesko.

15 MR. LESKO: And I will object
16 appropriately.

17 MR. LIPSIUS: And you can
18 object, as you well have continuously
19 done to try to thwart any meaningful
20 discovery in this case.

21 Q. (Hanging.)

22 MR. LIPSIUS: Here is a copy
23 for you (hanging).

24 Q. Have you seen this document
25 before?

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25

1 SUTTON
2 A. (Witness perusing document.)
3 I have reviewed the responses
4 to the notice of deposition.
5 Q. I did not --
6 A. This is --
7 Q. That is not the question; I ask
8 you to answer the question.
9 MR. LESKO: You let her answer
10 the question before you interrupt
11 her.
12 Finish your answer, please.
13 A. This is the notice of
14 deposition (indicating). I have reviewed
15 the responses to the notice of deposition.
16 Q. Have you reviewed --
17 A. In full.
18 Q. -- the notice of deposition,
19 yes or no?
20 A. Not its entirety.
21 Q. Okay, what parts of it have you
22 reviewed?
23 A. I have reviewed the first page.
24 Q. Okay. Well, let's take item
25 No. 1, have you reviewed item No. 1?

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26

1 SUTTON

27

1 SUTTON
2 is instructed not to answer the
3 circumstances and timing when she
4 reviewed documents, because it will
5 inevitably and unavoidably reveal
6 attorney-client communication and
7 attorney work product document,
8 mental impressions of counsel
9 included; therefore, she will not
10 answer that question.
11 MR. LIPSIOUS: So just instruct
12 her not to answer, instead of making
13 a speech after every question, as you
14 know you are supposed to do.
15 Q. Next, have you seen item No. 2
16 on Exhibit 1?
17 A. Yes.
18 Q. Have you seen that before
19 today?
20 MR. LESKO: Instruct the
21 witness --
22 No go ahead, you can answer
23 that question.
24 A. Yes.
25 Q. And when did you --

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2 A. I will not --
3 MR. LESKO: Objection to form.
4 Q. I asked you if you reviewed it,
5 not what you will or will not do.
6 Have you reviewed that
7 document, have you read it before today?
8 A. Yes.
9 MR. LESKO: This sentence?
10 MR. LIPSIOUS: Yes.
11 MR. LESKO: Okay.
12 A. It seems familiar to me.
13 Q. Okay, when did you review that?
14 A. I reviewed that yesterday.
15 Q. Did you review it before
16 yesterday?
17 MR. LESKO: Objection to form.
18 Don't answer that question,
19 please.
20 If you choose to ask these
21 questions after my office has had a
22 chance to consider them before the
23 end of the day, then we will address
24 it then. But, as I indicated when we
25 came back on the record, the witness

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1 SUTTON
2 MR. LESKO: Instruct --
3 Q. -- first see it?
4 MR. LESKO: -- the witness not
5 to answer.
6 Q. Are you prepared to answer
7 questions regarding item No. 2?
8 MR. LESKO: Objection.
9 MR. LIPSIOUS: You can object.
10 MR. LESKO: That is an improper
11 question, I --
12 MR. LIPSIOUS: So instruct her
13 not to answer or put an objection on
14 the record, don't make rambling
15 speeches on every question.
16 Q. Are you prepared to answer the
17 question on item No. 2?
18 MR. LIPSIOUS: You want to put
19 your objection, that's fine.
20 MR. LESKO: As limited by our
21 objections and responses, which you
22 haven't provided us --
23 No, the question is improper.
24 MR. LIPSIOUS: Are you
25 instructing the witness not to answer

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1 SUTTON
 2 or can she answer, period? Let's get
 3 on with it. Stop the games.
 4 MR. LESKO: Do you know the
 5 answer to that question?
 6 Read it, read the question, and
 7 tell counsel if you are prepared to
 8 answer all questions that might fall
 9 within that topic.
 10 A. (Witness complying.)
 11 No.
 12 MR. LESKO: Thank you.
 13 Q. You are not prepared to answer
 14 No. 2, correct?
 15 A. That's correct.
 16 Q. Let's go to the next page of
 17 Exhibit 1.
 18 MR. LESKO: In its entirety.
 19 Q. Page three, are you prepared to
 20 answer questions regarding all documents
 21 reproduced or produced in discovery by
 22 American General?
 23 A. No.
 24 MR. LESKO: Hang on a second.
 25 MR. LIPSIUS: I do not want her

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1 SUTTON
 2 looking at any --
 3 MR. LESKO: Well, then don't
 4 answer any more questions about
 5 whether you prepared.
 6 If you are not going to give
 7 her the document --
 8 MR. LIPSIUS: Well, I will ask
 9 the question, you can instruct the
 10 witness not to answer, we will put
 11 this on the record.
 12 MR. LESKO: If you want to see
 13 our responses, just ask to see the
 14 responses.
 15 A. I want to see the responses.
 16 Q. Where did you see the
 17 responses? Who gave you the responses?
 18 MR. LESKO: Objection to form.
 19 To the extent it calls for
 20 attorney-client communication or
 21 privilege, don't answer that
 22 question.
 23 Q. When did you first see the
 24 responses?
 25 MR. LESKO: Same objection.

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1 SUTTON
 2 Q. Are you not answering the
 3 question under instruction of counsel?
 4 A. I am.
 5 Q. Did you participate in the
 6 drafting of those responses?
 7 MR. LESKO: Objection.
 8 Don't answer that question,
 9 because it calls for attorney-client
 10 communication and work product.
 11 A. I do not answer.
 12 Q. Pardon me?
 13 A. I do not answer.
 14 Q. Okay.
 15 MR. LESKO: And it's vague and
 16 ambiguous.
 17 Q. No. 4, read No. 4, please, on
 18 Exhibit No. 1.
 19 A. "Why the return check dated
 20 July 1, '09 and the letter dated July 20,
 21 '09 referenced documents produced by Stein
 22 attached as Exhibit A were not produced by
 23 American General."
 24 Q. Are you prepared to answer that
 25 question?

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1 SUTTON
 2 MR. LESKO: Yes, she is
 3 prepared to answer --
 4 MR. LIPSIUS: Could you let her
 5 answer the question, sir. She is the
 6 witness, not you. You want to take
 7 an oath and be on the stand, that's
 8 fine.
 9 MR. LESKO: She is prepared to
 10 answer as per the limitation in the
 11 responses and objections.
 12 MR. LIPSIUS: I am asking you
 13 to stop interrupting and let the
 14 witness answer or put an objection,
 15 don't give a whole story. Stop it
 16 already.
 17 A. Yes.
 18 Q. You are prepared to answer the
 19 that question?
 20 A. Yes.
 21 MR. LESKO: As limited in the
 22 objections and responses. Say that,
 23 if that's what you mean.
 24 A. Yes, as limited in the
 25 responses to the notice.

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1 SUTTON
2 Q. No. 5, you can read that to
3 yourself on Exhibit 1.
4 MR. LESKO: You can have the
5 responses (handing).
6 MR. LIPSIUS: I am asking you
7 to take that away from the witness,
8 that is not a proper thing to put a
9 document in front of the witness.
10 MR. LESKO: Well, the witness
11 asked for that document, Mr. Lipsius.
12 MR. LIPSIUS: And I don't have
13 to give her anything she has asked
14 for.
15 MR. LESKO: Can you answer
16 these questions without reviewing the
17 responses?
18 THE WITNESS: Let me complete
19 No. 5 in reading this.
20 (Witness perusing document.)
21 No, not in its entirety.
22 Q. Okay, what part of it can you
23 not answer?
24 MR. LESKO: Can you answer that
25 without reading the response?

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33

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1 SUTTON
2 THE WITNESS: I can.
3 Q. Okay, what are you not prepared
4 to answer in No. 5?
5 A. The procedures regarding the
6 lapse, lapse notices in grace period, I can
7 answer to that.
8 Q. You can or cannot?
9 A. I can, as far as our
10 procedures.
11 As far as amounts to be paid by
12 policyholders is too vague.
13 Q. Okay, what do you --
14 A. Other communications between
15 American General and policyholder, that
16 again could be too vague.
17 Q. What is vague about
18 communications?
19 Does AIG keep reference to
20 communications between the company and its
21 policyholders?
22 MR. LESKO: Objection to form.
23 A. It does.
24 Q. And do you --
25 A. But this is --

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1 SUTTON
2 Q. No. One second, please.
3 MR. LESKO: Let her finish the
4 answer, please.
5 Finish the answer, please.
6 A. But this is not specific to
7 this policy. As I have indicated, there is
8 not any indication of any particular
9 specific policy number in No. 5.
10 Q. Well, do you know of the
11 procedures regarding AIG's communications
12 with policyholders to keep policies from
13 lapsing?
14 MR. LESKO: Objection.
15 Q. Are you aware of that?
16 MR. LESKO: Objection to form.
17 Broad. Vague. Ambiguous.
18 A. Generally, yes.
19 Q. And do you know what
20 communications are sent by AIG regarding
21 lapses?
22 MR. LESKO: Same objection.
23 A. Generally, yes.
24 Q. Okay, so then what is vague
25 about this question?

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1 SUTTON
2 MR. LESKO: Objection. Asked
3 and answered.
4 And argumentative.
5 A. It does not indicate a specific
6 policy number.
7 Q. But we are talking about the
8 general procedures, are you familiar with
9 the general procedures?
10 A. Generally --
11 MR. LESKO: Same objection.
12 A. -- yes.
13 Q. Okay, so then you can answer
14 questions regarding the general procedures
15 on policy communications or lapses; is that
16 correct?
17 MR. LESKO: Objection to form.
18 A. Generally, yes.
19 Q. Okay. Read No. 6, please.
20 A. "American General's record
21 retention and procedures regarding the
22 handle of policy premium payments,
23 including the recording of premium payments
24 and transactions, deposit of the funds by
25 American General, return of checks and

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1 SUTTON
2 refund checks made by American General to
3 policyholders."
4 Q. Are you prepared to answer
5 questions on that?
6 MR. LESKO: Objection to form.
7 Q. Are you prepared to answer
8 those questions?
9 A. Again, this is not specific to
10 any one policy and there are parts of this
11 in which not all of the information might I
12 have the details of.
13 Q. Well, explain to me if we are
14 asking the general procedures of the
15 company, what would you not know with
16 regard to these issues?
17 MR. LESKO: Objection to form.
18 Overbroad. Vague. It calls for a
19 narrative. Not reasonably limited.
20 Argumentative.
21 A. The particulars as far as the
22 deposit of the funds by American General.
23 And, again, it's not being specific to any
24 one policy number. But as far as a general
25 type of answer, I, I could provide a

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1 SUTTON
2 general answer.
3 Q. Okay.
4 A. To No. 6.
5 Q. No. 7, could you read that?
6 A. "In regard to the policy,
7 premium payments, including the recording
8 of same, deposit of funds at American
9 General, return of checks to policyholder
10 and refund of premiums."
11 Q. Are you prepared to answer
12 questions with regard to that issue?
13 MR. LESKO: Objection. Same
14 objection.
15 A. Generally, yes. But not
16 specific to each premium payment.
17 Q. Okay, that's all we are asking
18 is generally.
19 So generally, you would know
20 the procedures used by American General
21 regarding return of checks to
22 policyholders?
23 A. Yes.
24 Q. And you would know the
25 procedures regarding refund of premium; is

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1 SUTTON
2 that correct?
3 A. Refund of premiums, generally,
4 yes.
5 Q. Okay. And this would be in the
6 period of these policies in 2009?
7 A. Generally, yes.
8 Q. Okay. No. 8, could you read
9 that?
10 A. "American General's mailing
11 procedures regarding life policies and/or
12 accounts, including, but not limited to,
13 premiums due, grace and lapse notices,
14 returned checks and refunds, and procedures
15 governing the use of postage meters and
16 receipts at locations responsible for
17 sending grace and lapse notices for the
18 period from May 2008 to May 2010."
19 Q. Okay. Are you prepared to
20 answer questions with regard to that issue?
21 MR. LESKO: Same objection.
22 A. I cannot answer for the period
23 in the year of 2008.
24 Q. How about 2009?
25 A. In mid 2009, yes.

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1 SUTTON
2 Q. What does in mid 2009 mean to
3 you?
4 A. Well, actually, in May of 2009.
5 Q. So you could answer in regard
6 to May --
7 A. Yes.
8 Q. -- of 2009?
9 No. 9, could you read that to
10 yourself?
11 A. "Knowledge of American
12 General's records retention and destruction
13 practices in documentary actual and
14 electronic custodial practices."
15 Q. Are you familiar with that?
16 MR. LESKO: Objection to form.
17 A. This is very --
18 It's not specific. It's, it's
19 vague.
20 Q. Do you have any idea of
21 American General's destruction practices
22 for records?
23 MR. LESKO: Objection to form.
24 A. I am generally familiar.
25 Q. Did you make any inquires

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1 SUTTON
 2 within the company as to their record
 3 retention and destruction practices?
 4 A. That's, again, very vague, um,
 5 very vague.
 6 Q. Okay, well, let's talk about,
 7 do you know anything about retention of
 8 e-mails; did you make any inquiries about
 9 when, and if, they are retained?
 10 A. Ever?
 11 Q. Well, we are in the period of
 12 2009.
 13 A. I have general understanding of
 14 our retention of those, yes.
 15 Q. And where did you get that
 16 general understanding from?
 17 A. From familiarity with other
 18 cases.
 19 Q. Okay.
 20 A. And working with our management
 21 team and employees.
 22 Q. Okay, have you ever seen any
 23 written record retention policy by the
 24 company?
 25 A. Yes.

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1 SUTTON
 2 Q. Okay, and you are familiar with
 3 that written record retention?
 4 A. Generally, yes.
 5 Q. Okay, and you can answer
 6 questions relating to that written record
 7 retention, correct?
 8 A. Again, that, that is very
 9 vague.
 10 Q. Okay. When did you last look
 11 at the written record retention policies?
 12 A. I couldn't say for sure.
 13 Q. Within the last year?
 14 A. I am not sure.
 15 Q. Okay. Within the last two
 16 years?
 17 A. Perhaps.
 18 Q. Okay. Do you have any
 19 knowledge of whether there was a litigation
 20 hold on records relating to the policy that
 21 is the subject of this litigation?
 22 A. No.
 23 Q. Did you see any document
 24 indicating that the company was instructed
 25 not to destroy any documents relating to

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1 SUTTON
 2 this policy?
 3 A. Could you restate?
 4 Q. Have you seen any document
 5 instructing employees of American General
 6 to make sure not to erase or destroy any
 7 documents relating to this litigation?
 8 MR. LESKO: I am going to
 9 object to that question, because it's
 10 beyond the scope of even the notice.
 11 But you can answer.
 12 A. Not that I recall.
 13 Q. Have you seen the complaint in
 14 this action?
 15 A. Could you be more descriptive.
 16 Q. Do you know what a complaint
 17 is?
 18 MR. LESKO: Objection to form.
 19 A. Yes.
 20 Q. A legal document filed with the
 21 court that is called a complaint, have you
 22 seen it?
 23 A. I can't say for certain.
 24 Q. Are you aware that an amended
 25 complaint was filed in this action?

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1 SUTTON
 2 A. Not for certain.
 3 Q. Does it sound familiar?
 4 A. I am aware of generally there
 5 being a complaint and there being
 6 additional issues that might have occurred.
 7 Q. What were those additional
 8 issues?
 9 A. I feel that that is attorney
 10 work product.
 11 Q. No, I am asking, you said there
 12 was additional issues, and that is not
 13 attorney work product.
 14 Unless your attorney instructs
 15 you not to answer the question, you have to
 16 answer the question.
 17 What are the additional
 18 issues -- you raised that word. What are
 19 the additional issues that were raised?
 20 MR. LESKO: She already said
 21 that that information is privileged,
 22 obviously because if she has
 23 information on that, she got it from
 24 me. And, therefore, I am advising
 25 her not to answer the question.

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1 SUTTON
2 MR. LIPSIUS: Okay.
3 Q. Independent of your attorney,
4 have you been made aware of any additional
5 issues?
6 That's your word, not mine.
7 A. No.
8 Q. Well, you used the word
9 "additional issues," what issues are there
10 in the case, what do you understand the
11 issues to be in the case?
12 MR. LESKO: Objection to form.
13 To the extent it calls for a legal
14 opinion.
15 Go ahead, you can answer it, if
16 you can.
17 A. That being of the mailing of
18 the grace notice.
19 Q. Do you know any other issues in
20 this case other than the mailing of the
21 grace notice?
22 MR. LESKO: Same objection.
23 A. The return of a check to the
24 client.
25 Q. Okay, and what other issues?

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1 SUTTON
2 MR. LESKO: Same objection.
3 A. And lack of proper notice to
4 the client before termination.
5 Q. Any other issues that you are
6 aware of in this case?
7 A. Those --
8 MR. LESKO: Same objection.
9 A. Those are the issues that I
10 recall.
11 Q. And when did you find out about
12 these issues?
13 MR. LESKO: Objection. And
14 here again, I am going to instruct
15 the witness not to answer in order to
16 preserve the attorney-client
17 privilege and work product privilege
18 for appeal.
19 Q. Have you testified prior to
20 today in any action?
21 A. Could you be more specific?
22 Q. Have you ever testified at a
23 deposition or at a trial in your life.
24 A. Yes.
25 Q. And how many times have you

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1 SUTTON
2 testified at a deposition?
3 A. Five times.
4 Q. Five?
5 A. Uh-huh.
6 Q. Okay, and how many times have
7 you testified at a trial?
8 A. Never.
9 Q. And those five times, did that
10 involve issues for American General AIG?
11 A. Yes.
12 Q. Okay, all five times?
13 A. Yes.
14 Q. When is the last time you
15 testified?
16 A. On a case?
17 Q. Yes.
18 A. Two weeks ago.
19 Q. And were you a 30(b)(6) witness
20 at that case?
21 MR. LESKO: Objection to form.
22 It calls for a legal conclusion.
23 A. I can't say that it was that
24 particular ruling, but I was a corporate
25 rep.

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1 SUTTON
2 Q. Okay. As a 30(b)(6) deponent
3 of AIG, is AIG asserting that the policy is
4 void because of anything inaccurate, false
5 or fraudulent in the application?
6 MR. LESKO: Objection to form.
7 First of all, she is not a
8 30(b)(6) witness for AIG. Second,
9 you are asking the questions beyond
10 the scope of the deposition notice.
11 And, finally, it calls for
12 attorney-client privilege, work
13 product and legal conclusions.
14 MR. LIPSIUS: Are you directing
15 her not to answer?
16 MR. LESKO: Do you know the
17 answer to that question?
18 THE WITNESS: I do not know the
19 answer.
20 MR. LESKO: Then, I don't need
21 to direct her not to answer.
22 Q. As I understand it, as the
23 30(b)(6) witness, you have no knowledge
24 whether or not it is being claimed by
25 American General that the policy is void

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1 SUTTON
2 for a false application or for fraud; is
3 that correct?
4 MR. LESKO: Objection to form.
5 A. I am not aware as to there
6 being a review for fraud.
7 Q. And do you have any knowledge
8 for any basis for an assertion that the
9 application was false?
10 MR. LESKO: Objection to form.
11 Calls for legal conclusion.
12 Answer only if you know.
13 A. And I don't know.
14 Q. Do you know if it's being
15 asserted by American General that the
16 policy was issued without any insurable
17 interest on the part of the policy owner?
18 MR. LESKO: Same objection.
19 A. I don't know.
20 Q. Do you know of any facts that
21 would indicate that there was no insurable
22 interest by the policy owner at the time of
23 issuance of this policy?
24 MR. LESKO: Objection to form.
25 Beyond the scope. All the same

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1 SUTTON
2 objections.
3 A. I don't know.
4 Q. Meaning you have no facts that
5 you could tell us here today that would
6 indicate that there was no insurable
7 interest; is that correct?
8 MR. LESKO: Objection to form.
9 Asked and answered.
10 A. I don't know and I have no
11 review of that.
12 Q. Okay, my question is not
13 whether you know, my question is whether
14 you have any facts, and it's a yes or no
15 question.
16 Do you have any facts that you
17 could present to us today, under oath, that
18 would indicate that there was no insurable
19 interest?
20 MR. LESKO: Same objection and
21 asked and answered.
22 A. I have no facts.
23 MR. LESKO: Are you going to
24 take the exhibits or are you going to
25 leave them with the court reporter?

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1 SUTTON
2 MR. LIPSIUS: I will take them
3 and scan them and send them to you.
4 MR. LESKO: For the record, I
5 would prefer that the court reporter
6 take them, for chain of custody
7 purposes. But it's your deposition,
8 so you do what you want.
9 MR. LIPSIUS: Exhibit 2.
10 (Whereupon, the aforementioned
11 copy of document entitled "Summons
12 and Complaint," dated July 30, 2011,
13 six pages was marked as Plaintiff(s)'
14 Exhibit 2 for identification as of
15 this date by the Reporter.)
16 MR. LIPSIUS: Let's do this as
17 Exhibit 3 as long as you are doing
18 that.
19 (Whereupon, the aforementioned
20 copy of document entitled, "Amended
21 Complaint," dated August, 28, 2012,
22 four pages was marked as
23 Plaintiff(s)' Exhibit 3 for
24 identification as of this date by the
25 Reporter.)

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1 SUTTON
2 MR. LIPSIUS: And you can mark
3 this as 4.
4 (Whereupon, the aforementioned
5 copy of document entitled, "Answer,"
6 dated January, 6, 2012, six pages was
7 marked as Plaintiff(s)' Exhibit 4 for
8 identification as of this date by the
9 Reporter.)
10 Q. Could you please look at
11 Exhibit 2?
12 A. (Witness complying.)
13 Q. Have you ever seen this before?
14 A. (Witness perusing document.)
15 I don't recall seeing
16 Exhibit 2.
17 Q. The owner of this policy is a
18 trust, are you aware of that?
19 A. Yes.
20 Q. And the person who controls the
21 trust is generally the trustee, are you
22 aware of that?
23 A. Yes.
24 Q. Okay. Are you aware that the
25 trustee is prepared to pay all outstanding

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1 SUTTON
2 premium on this policy?
3 MR. LESKO: Objection to form.
4 Objection to form. It assumes facts
5 not in evidence and it's irrelevant.
6 I just want to make a
7 statement, just for your benefit.
8 Whether or not we are required
9 to present a witness for the basis of
10 affirmative defense for American
11 General, this is not that witness.
12 Even if we are ruled to do that, it
13 would be a different witness. So to
14 the extent your questions are
15 directed to that, you might want to
16 save them.
17 MR. LIPSIOUS: Could you please
18 repeat the question.
19 (Whereupon, the referred to
20 question was read back by the
21 Reporter.)
22 MR. LESKO: Same objection.
23 A. I am not aware.
24 Q. Do you know whether the trustee
25 ever offered to pay the amount that AIG

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1 SUTTON
2 claims is outstanding?
3 MR. LESKO: Could you read that
4 back for me.
5 (Whereupon, the referred to
6 question was read back by the
7 Reporter.)
8 A. I am not aware.
9 Q. Do you know if the trustee ever
10 sent a check to AIG that was rejected by
11 AIG?
12 A. I do know that, yes.
13 Q. And if AIG had accepted that
14 check, would the premium have made the
15 policy current?
16 A. No.
17 Q. And why is that?
18 A. It was late and it was
19 insufficient for the amount that was
20 needed.
21 Q. And did AIG ever tell the
22 trustee how much would be needed to make
23 the policy current subsequent to the date
24 that AIG claims the policy lapsed?
25 MR. LESKO: Objection to form.

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1 SUTTON
2 You can answer.
3 A. We indicated to the client that
4 the --
5 MR. LESKO: Hang on a second.
6 THE WITNESS: Okay.
7 MR. LESKO: Hang on a second.
8 I am going to object --
9 MR. LIPSIOUS: Just put an
10 objection as to form.
11 MR. LESKO: Okay, here is the
12 objection and the instruction, every
13 time he says AIG, say I am not here
14 for AIG, I am not answering that
15 question.
16 You either use American General
17 or she won't answer any more
18 questions.
19 MR. LIPSIOUS: She already
20 answered the question when she said
21 AIG American General and then she
22 said American General and AIG. That
23 was her testimony, not mine.
24 MR. LESKO: Mr. Lipsius, this
25 is a simple request and your use of

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1 SUTTON
2 AIG is improper and prejudicial, and
3 I am asking you to use the proper
4 name of the party.
5 The party in this case, the
6 only defendant, is American General
7 Life Insurance Company. That is who
8 you sued, that is who issued this
9 policy, and that is who is at issue
10 here. If you can't use American
11 General, if you insist on using AIG,
12 which is not American General, then
13 she is not answering any more
14 questions.
15 Q. Did you identify your employer
16 at AIG American General at the beginning of
17 this deposition?
18 A. My employer is AIG American
19 General Life.
20 Q. And is American General Life an
21 AIG company?
22 A. It is.
23 MR. LESKO: Objection to form.
24 Q. When we referred to the
25 insurer, when we refer to the person who

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1 SUTTON
 2 issued this policy, which is on the cover
 3 American General AIG Company, so I will
 4 refer to the insurer, the insurer of this
 5 policy, did it ever advise the trust or the
 6 trustee of the amount of premium necessary
 7 to make this policy current?
 8 A. Yes, we did.
 9 MR. LESKO: Objection to form.
 10 Go ahead.
 11 Q. And did it ever inform the
 12 trustee of the amount subsequent to the
 13 date where the insurer claims the policy
 14 lapsed?
 15 MR. LESKO: Objection to form.
 16 Go ahead and answer.
 17 A. We, we did in a letter
 18 indicating full reinstatement was needed.
 19 Q. And was an amount of the
 20 premium indicated in that letter?
 21 A. Yes, there was.
 22 Q. And if the trustee had written
 23 a check or sent payment to the insurer in
 24 that amount without an additional
 25 application, would American General have

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1 SUTTON
 2 reinstated the policy?
 3 MR. LESKO: Objection to form.
 4 It's a hypothetical, which is
 5 improper, and it's an incomplete
 6 hypothetical.
 7 If you know the answer to that
 8 question, you can answer;
 9 otherwise -- well, just answer.
 10 A. I would not have enough
 11 information with what you have indicated to
 12 answer.
 13 Q. What information would you
 14 need?
 15 MR. LESKO: Objection. Calls
 16 for speculation.
 17 A. I would need all of the
 18 specifics as far as that particular
 19 scenario.
 20 Q. Well, let's talk about this
 21 file and all of the specifics you have in
 22 your file. It is my understanding that the
 23 insurer advised the trustee that if an
 24 additional application was filed -- and if
 25 you can help me with the word additional

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1 SUTTON
 2 application, reinstatement application; is
 3 that the word?
 4 A. Correct.
 5 Q. Okay, if a reinstatement
 6 application is filed and a check would be
 7 sent in the certain amount, the company
 8 would consider reinstating the policy; is
 9 that correct?
 10 MR. LESKO: Objection to form.
 11 Same objection, it's an incomplete
 12 hypothetical.
 13 MR. LIPSIOUS: It's not a
 14 hypothetical, it's a fact, and that's
 15 what I'm asking.
 16 Q. Is that a fact?
 17 A. I --
 18 MR. LESKO: It's a
 19 hypothetical. Your question is
 20 hypothetical, so I object as a
 21 hypothetical.
 22 A. As you have stated it, I am not
 23 aware that the insured told the trustee of
 24 them being willing to send in a
 25 reinstatement application and a check, I

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1 SUTTON
 2 have no knowledge of that.
 3 Q. I am asking did American
 4 General offer to reinstate subject to a
 5 reinstatement application and furnishing
 6 the back payment.
 7 A. We sent a letter providing the
 8 requirements that needed to be fulfilled in
 9 order for us to carefully review that
 10 request.
 11 Q. And was an amount of premium
 12 indicated in that letter?
 13 A. There was.
 14 Q. And if the trustee, under
 15 American General's procedures, would just
 16 have sent the check, without the
 17 reinstatement application, would American
 18 General, the insurer, have reinstated the
 19 policy?
 20 MR. LESKO: Same objection.
 21 Incomplete hypothetical.
 22 Go ahead and answer the
 23 question.
 24 A. And I am going to be very
 25 specific as I am answering.

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1 SUTTON
 2 If you are talking specific to
 3 the letter that was sent providing the
 4 reinstatement application and the
 5 requirements, then it was just merely the
 6 letter indicating the requirements, it does
 7 not indicate that we would put that policy
 8 back in force.
 9 Q. And my question to you is would
 10 it have been put back in force if the only
 11 response was, here is a check and the
 12 insured or the trustee refused to submit a
 13 reinstatement application?
 14 MR. LESKO: Same objection.
 15 And this is also beyond the scope of
 16 the notice.
 17 But if you can answer -- it's
 18 an incomplete hypothetical -- go
 19 ahead.
 20 A. No, not if it was just a check.
 21 Q. Thank you.
 22 I ask you to look at Exhibit 3,
 23 amended complaint (handing)?
 24 A. (Witness perusing document.)
 25 Q. Have you seen this before?

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1 SUTTON
 2 A. I don't recall seeing this.
 3 Q. Okay.
 4 A. I don't recall.
 5 Q. Did American General, on or
 6 about July 15, 2009, receive a check
 7 relating to this policy in the amount of
 8 \$15,000?
 9 MR. LESKO: Objection to form.
 10 A. I recall reviewing a document
 11 that showed a check for \$15,000 that was
 12 received but returned back to the client on
 13 July 20th of 2009.
 14 Q. When did you review that
 15 document?
 16 MR. LESKO: Objection to form.
 17 Don't answer that question, if
 18 it calls for disclosure of
 19 attorney-client privilege or work
 20 product.
 21 A. I don't answer, then.
 22 Q. And do you know when that check
 23 was received by American General.
 24 A. I can recall approximately
 25 having received that check on July 16th or

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1 SUTTON
 2 July 17th.
 3 Q. Okay.
 4 A. From the best that I recall.
 5 Q. And do you recall that the
 6 amount of that check was \$15,000?
 7 A. I do.
 8 Q. And do you know the
 9 significance, if any, of the \$15,000?
 10 MR. LESKO: Objection to form.
 11 A. The significance, I will just
 12 say that yes, I think I understand the
 13 significance.
 14 Q. And what is that?
 15 MR. LESKO: Same objection.
 16 A. The \$15,000 relates to the
 17 planned periodic premium for a quarterly
 18 mode for this policy.
 19 Q. What does that mean, in lay
 20 terms?
 21 A. This is a flexible premium
 22 policy, the client has the flexibility to
 23 pay on this policy what they so desired,
 24 they had set this up as a desired quarterly
 25 billing of \$15,000.

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1 SUTTON
 2 Q. Okay. And did the insurer send
 3 a bill to the policy owner for the amount
 4 of \$15,000?
 5 MR. LESKO: Objection to form.
 6 A. That's -- that is pretty vague.
 7 But I will answer, yes, in the course of
 8 this policy, we would have sent billing
 9 notices out to the client.
 10 Q. Was a billing notice sent out
 11 to the client in June 2009 for the amount
 12 of \$15,000?
 13 A. Yes.
 14 Q. Were any other bills sent out
 15 by the insurer relating to the policy at
 16 issue?
 17 MR. LIPSIOUS: And I am just
 18 going to put on the record, the
 19 policy we have been talking about the
 20 whole time is Policy No. U10032498L.
 21 Q. Is that your understanding?
 22 MR. LESKO: Objection to form.
 23 A. I would just like to compare it
 24 to the...
 25 MR. LESKO: A copy of the

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1 SUTTON
2 policy?
3 A. A copy of the policy, just
4 something so I can make doubly certain.
5 MR. LESKO: I just want to
6 state for the record, so far this
7 deposition has been a memory check
8 for Ms. Sutton, no documents have
9 been presented, other than the
10 amended complaint. I think that is
11 unfair.
12 MR. LIPSIUS: I am not going to
13 mark it, I just want to do this to
14 refresh your recollection, will this
15 assist you in determining what the
16 policy number is, so we can identify
17 it (handing)?
18 I am not going to mark it.
19 MR. LESKO: Can you identify
20 the document?
21 MR. LIPSIUS: It is the dec
22 page of the policy. I will let her
23 identify it, for the record.
24 A. Okay, this is --
25 MR. LESKO: Just for the

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1 SUTTON
2 record, the Bates number is STEIN
3 0011.
4 A. This is page three of the
5 policy for policy No. U10032498L.
6 Q. Is that the policy at issue in
7 this litigation?
8 A. Yes.
9 Q. Okay, thank you.
10 MR. LESKO: Can I just see
11 that, please?
12 MR. LIPSIUS: (Handing.)
13 Q. Okay, now, we discussed a bill
14 sent out in June of 2009 for \$15,000, do
15 you know of any other bills that were sent
16 out in the months of April, May, June or
17 July of 2009 on this policy?
18 MR. LESKO: Objection to form.
19 A. I don't recall seeing a
20 specific bill in those time frames that you
21 have indicated.
22 Q. Were any grace notices sent out
23 in that time frame?
24 A. Would you please provide the
25 time frame again for me?

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1 SUTTON
2 Q. April, May, June and July of
3 2009.
4 A. My answer is yes.
5 Q. Okay, and when was it sent out,
6 meaning the grace notice?
7 MR. LESKO: Objection to form.
8 A. In May of 2009, a grace notice
9 was sent.
10 Q. Any other grace notices in that
11 period?
12 MR. LESKO: Objection to form.
13 A. And the period again, could you
14 restate?
15 Q. April, May, June, July of 2009.
16 A. That is what I recall for that
17 particular time frame.
18 MR. LESKO: And just for the
19 record, no documents have been
20 provided to Ms. Sutton.
21 Q. In preparation for today's
22 deposition, did you look at that grace
23 notice?
24 MR. LESKO: Objection to form.
25 A. Yes, I did.

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1 SUTTON
2 Q. And did you look at any other
3 grace notices in preparation for today's
4 deposition?
5 A. I want to answer as no.
6 MR. LESKO: Then the answer is
7 no?
8 A. No.
9 MR. LESKO: But I will instruct
10 you that if you are not 100 percent
11 certain of your answers and you need
12 to look at documents, please do that,
13 please ask for documents.
14 Or if you don't recall, say you
15 don't recall.
16 A. I don't recall.
17 Q. Well, as a 30(b)(6) corporate
18 designee, it is incumbent upon you to
19 answer the questions to the best of your
20 corporate knowledge, is there someone else
21 in the company who would have better
22 knowledge as to whether any other grace
23 notices were sent out?
24 MR. LESKO: Well, the question
25 was did she review any for today's

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1 SUTTON
 2 deposition, so you didn't ask that
 3 question.
 4 So what question would you like
 5 an answer to?
 6 MR. LIPSIUS: I will conduct
 7 the deposition my way, thank you.
 8 Please just say object, as you know
 9 is required by the federal court
 10 rules, instead of trying to lead the
 11 witness and trying to control this
 12 deposition, Mr. Lesko.
 13 MR. LESKO: Mr. Lipsius, I will
 14 represent my client as I see fit, you
 15 can conduct your deposition as you
 16 see fit, stop instructing me what to
 17 do.
 18 Q. Have you seen any grace notices
 19 that AIG American General, the insurer,
 20 claims was sent on this policy the month of
 21 May 2009?
 22 And I believe your answer to
 23 that is you are aware of one sent in
 24 May 2009, correct?
 25 A. You are correct.

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1 SUTTON
 2 Q. Do you know of any that was
 3 sent in April of 2009?
 4 A. I don't recall.
 5 Q. Do you know of any that was
 6 sent in June 2009?
 7 A. None that were sent in June of
 8 '09.
 9 Q. Okay. Other than the planned
 10 premium notice in the amount of \$15,000
 11 sent in June 2009, do you know of any other
 12 notices sent in June 2009 relating to
 13 premium on the policy at issue?
 14 MR. LESKO: Objection to form.
 15 A. There were none.
 16 Q. Same question for July, do you
 17 know of any notices sent in July if 2009
 18 relating to premium or grace that was sent
 19 by the insurer relating to the policy in
 20 issue?
 21 MR. LESKO: Objection to form.
 22 A. There was a notice sent in
 23 July, it was the lapse notice.
 24 Q. Okay, what is a lapse notice?
 25 A. That is indicating the policy

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1 SUTTON
 2 is terminating.
 3 Q. When American General receives
 4 a payment of the premium, a check in the
 5 mail for payment of the premium, what is
 6 the process from the time of receipt?
 7 So let's start off, where does
 8 that check usually go to?
 9 MR. LESKO: Objection to form.
 10 Q. In the normal course of
 11 business, where is the insured instructed
 12 to send that check?
 13 A. Normal course of business, the
 14 notice provides the mailing address as to
 15 remitting that payment.
 16 Q. And April, May, June and July
 17 of 2009, what address would that be?
 18 MR. LESKO: Objection to form.
 19 A. If you are referring to the
 20 June billing notice, that indicated a P.O.
 21 box in Carol Stream, and that was for the
 22 planned periodic premium of \$15,000.
 23 Q. Was that Carol Stream, did you
 24 say?
 25 A. Carol Stream, Illinois.

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1 SUTTON
 2 Q. Okay.
 3 A. And, again, that was for the
 4 June -- a bill notice that was prepared for
 5 the planned periodic premium that was dated
 6 June 3rd of '09.
 7 Q. What about the grace notice,
 8 was there an address indicating as to where
 9 the payment should be made in the grace
 10 notice?
 11 A. May I refer to that, please,
 12 that document?
 13 THE WITNESS: While you are
 14 looking, can I just go off record and
 15 go to the restroom?
 16 MR. LIPSIUS: Sure.
 17 (Whereupon, at 11:51 a.m., a
 18 recess was taken.)
 19 (Whereupon, at 11:59 a.m., the
 20 examination resumed.)
 21 MR. LIPSIUS: What was the last
 22 question.
 23 (Whereupon, the referred to
 24 question was read back by the
 25 Reporter.)

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1 SUTTON
 2 Q. During this break, did you have
 3 any discussions with your attorney relating
 4 to any matters having to do with this case?
 5 A. No.
 6 MR. LIPSIUS: Mark this as
 7 Exhibit 5.
 8 (Whereupon, the aforementioned
 9 copy of document entitled, "Notice of
 10 Payment Due," prepared date,
 11 6/3/2009, one page was marked as
 12 Plaintiff(s)' Exhibit 5 for
 13 identification as of this date by the
 14 Reporter.)
 15 Q. Could you identify what has
 16 been presented to you as Exhibit 5?
 17 A. Yes.
 18 Exhibit 5 is a notice of
 19 payment due for a premium of \$15,000,
 20 representing due date of July 17, '09, with
 21 a modal of quarterly dated, prepare date is
 22 June 3, 2009, for contract No. U10032498L.
 23 Q. Now, is that the policy at
 24 issue in this litigation?
 25 A. It is.

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1 SUTTON
 2 Q. Is this a document maintained
 3 in the regular course of business by the
 4 insurer?
 5 MR. LESKO: Objection to form.
 6 You can answer.
 7 A. Yes, this is maintained.
 8 Q. In the regular of course of
 9 business by the insurer?
 10 A. Yes.
 11 Q. Okay. And if you would want to
 12 retrieve this document today, how would you
 13 go about retrieving it in the computer
 14 system?
 15 Let's start with, is it
 16 maintained in hardcopy, this document?
 17 A. No.
 18 Q. Okay, is it maintained in
 19 electronic form?
 20 A. Yes.
 21 Q. If you would want to retrieve
 22 this document, how would you find it within
 23 the computer system at the insurer?
 24 A. We have to go into a system
 25 called the billing hub and regenerate the

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1 SUTTON
 2 notice.
 3 Q. Okay.
 4 A. And I will add that this is
 5 only going back to a certain date as far as
 6 the notice of payment due as far as
 7 regenerating those.
 8 Q. Okay.
 9 A. Okay.
 10 Q. So today, could you regenerate
 11 a billing notice from 2008?
 12 A. No.
 13 Q. Okay, today, could you
 14 regenerate a billing notice from 2009?
 15 A. For this time period of June of
 16 '09, yes.
 17 Q. Okay. Do you know why you
 18 would be unable to regenerate a billing
 19 notice from 2008?
 20 A. I would not be able to
 21 regenerate an exact duplicate. Our system
 22 wasn't available and ready until mid 2009.
 23 Q. Okay.
 24 A. But we do have reports that
 25 show us that key data and we can provide a

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1 SUTTON
 2 sample with that key data that is pulled
 3 from our reports prior to that time frame.
 4 Q. So my understanding is the
 5 variable in the document you find in front
 6 of you can be retrieved from your computer
 7 system --
 8 A. Yes.
 9 Q. -- correct?
 10 MR. LESKO: Objection to form.
 11 Q. But the form itself may not be
 12 retrievable as typed up; is that correct?
 13 MR. LESKO: Objection to form.
 14 A. We use a general template to
 15 then incorporate the variable.
 16 Q. Okay. The document that you
 17 have in front of you now would be basically
 18 similar or almost identical to the original
 19 that would have been sent to the insured;
 20 is that correct?
 21 MR. LESKO: Objection to form.
 22 A. Yes, it's identical.
 23 MR. LESKO: I just want to note
 24 that this document was produced by
 25 plaintiff, not by American General.

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1 SUTTON
 2 MR. LIPSIOUS: Okay.
 3 Q. Do you know why the insurer has
 4 not produced this document?
 5 MR. LESKO: Objection to form.
 6 A. This --
 7 I would suspect that this
 8 document was not produced because it would
 9 not have been part of a file.
 10 Q. Okay. Is this document
 11 electronically linked to the policy at
 12 issue in this case?
 13 MR. LESKO: Objection to form.
 14 A. No, it is not.
 15 Q. So if one wanted to find all
 16 billing statements sent on this policy, how
 17 would one go about doing that within the
 18 American General system?
 19 A. We would go retrieve any
 20 billing notices that might have been
 21 prepared, it would start from May of '09,
 22 we would go to our billing hub, and that
 23 would give us a regeneration of the same
 24 notice that was sent to the client.
 25 And prior to that, we would go

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1 SUTTON
 2 to an exporter report that would show us
 3 the prior notices, with the key data that
 4 we are looking for.
 5 Q. Okay, so if I would ask you for
 6 all documents concerning the policy at
 7 issue, what would be your procedure, and
 8 better yet, I would ask you for all
 9 documents concerning billings relating to
 10 the policy at issue, how would you go about
 11 obtaining those documents?
 12 A. Just as I described earlier. I
 13 would go to the billing hub and then also
 14 exporter reports.
 15 Q. And doing that process would
 16 have resulted in the creation of Exhibit 5
 17 or a close facsimile to it?
 18 A. Yes.
 19 Q. When I use facsimile, I don't
 20 mean a fax, you understand that --
 21 A. Yes.
 22 Q. -- but a copy?
 23 A. Yes.
 24 Q. And as your counsel has just
 25 testified, this has not been produced by

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1 SUTTON
 2 the insurer --
 3 MR. LESKO: Objection.
 4 Q. -- do you know why --
 5 MR. LESKO: Objection to form.
 6 Q. Do you know why it was not
 7 produced by the insurer?
 8 MR. LESKO: Objection to form.
 9 A. Again, I will restate that I
 10 would suspect that they were advised to
 11 pull the policy file, and this is not in
 12 the policy file.
 13 Q. What other documents
 14 potentially in the American General, the
 15 insurer's files would not be in the policy
 16 file?
 17 MR. LESKO: Objection to form.
 18 Calls for speculation.
 19 A. I can't, I can't really
 20 speculate.
 21 Q. Okay. Well, I would like to
 22 know because there was discovery in this
 23 case asking for all documents relating to
 24 this policy and this was not produced, now,
 25 if only a search was made of the policy

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1 SUTTON
 2 file, there may be other types of
 3 documents.
 4 Now, e-mails, would they be
 5 contained in the policy file?
 6 A. E-mails would be.
 7 Q. Every e-mail is transferred
 8 across to the policy file?
 9 MR. LESKO: Objection to form.
 10 And objection to the statement
 11 that counsel made, too.
 12 A. I can't say that every -- and I
 13 can't say for certain every single e-mail,
 14 but generally that is our practice, that we
 15 will use those e-mails and provide that in
 16 with a WD notice.
 17 Q. Does someone have to make an
 18 affirmative decision to move over the
 19 e-mail into the policy file?
 20 MR. LESKO: Objection to form.
 21 A. Our processors.
 22 Q. And what are your processors?
 23 A. Well, for example --
 24 MR. LESKO: Objection to form.
 25 A. I mean, that's very general,

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1 SUTTON
2 but we have --
3 Generally, it's the processors.
4 Q. Can you define what a processor
5 is?
6 A. Just a person who is working on
7 the policy.
8 Q. Okay.
9 A. It could be a particular -- I
10 will use that in general --
11 It's anyone that would be
12 touching the policy.
13 Q. Okay.
14 A. It could be an analyst, it
15 could be a manager.
16 Q. If someone in the mail room
17 would send an e-mail relating to the
18 policy, would that go into the policy file?
19 MR. LESKO: Objection to form.
20 Hypothetical question. Incomplete
21 hypothetical question.
22 If you can possibly answer that
23 question, give it a shot.
24 MR. LIPSIOUS: Please stop
25 leading the witness. This is getting

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1 SUTTON
2 absurd.
3 MR. LESKO: Please stop asking
4 improper questions, because that is
5 absurd.
6 A. And the mail services area, I
7 can't speak to what their e-mail -- why
8 they would even e-mail on a particular
9 policy.
10 Q. But you cannot speak whether
11 the mail services, whether their e-mails
12 would get into the file, correct?
13 A. I wouldn't know that for
14 certain.
15 Q. Would the legal department's
16 e-mail get into the system --
17 MR. LESKO: Objection.
18 Q. -- file?
19 MR. LESKO: Objection. Same
20 objection. Hypothetical.
21 Incomplete, at that.
22 A. I wouldn't know that for
23 certain.
24 Q. Which departments do you know
25 for certain would, in the normal course of

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1 SUTTON
2 business, put their e-mails into the
3 system?
4 MR. LESKO: Same objection.
5 Hypothetical question. Incomplete.
6 A. Our customer services area.
7 Q. Customer service would?
8 A. Uh-huh.
9 Q. Is there a department that
10 handles communications with agents and
11 brokers?
12 MR. LESKO: Objection to form.
13 It's broad, ambiguous, beyond the
14 scope of the notice.
15 Can you tell me which topic
16 this is, Mr. Lipsius?
17 MR. LIPSIOUS: Put your
18 objection, if you want to tell her
19 not to answer, that's fine.
20 MR. LESKO: If you know the
21 answer, answer it; if you don't know
22 the answer, say you don't know, but I
23 am not limiting your answer.
24 A. Various departments come to
25 mind; that is a very vague question.

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1 SUTTON
2 Q. Do you want to give me the
3 names of the departments?
4 A. Working with our brokers and
5 our agents could be our customer services
6 department, our consumer affairs
7 department, our licensing and contracting
8 and commissions department, our marketing
9 and sales organization, our agent debt
10 management team, our claims department.
11 Q. Okay. And which of our
12 departments --
13 A. Oh.
14 Q. I'm sorry, were you not
15 finished?
16 A. Yes.
17 And I would add new business
18 and underwriting.
19 Q. Consumer affairs, if they
20 communicated with an agent or broker
21 relating to a policy or an insured, would
22 they save their e-mails into the system you
23 talked about?
24 MR. LESKO: Objection to form.
25 Broad. Vague. Ambiguous.

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1 SUTTON
2 Incomplete hypothetical. Beyond the
3 scope.
4 A. I can't say for certain.
5 Q. So you don't know; is that
6 correct? Is that correct, you do not know?
7 A. I don't know for certain.
8 Q. Okay. What about licensing and
9 contracting?
10 MR. LESKO: Same objection.
11 A. I don't know for certain.
12 Q. What about marketing and sales?
13 MR. LESKO: Same objection.
14 A. The same.
15 Q. What about agent debt
16 management?
17 MR. LESKO: Same objection.
18 A. Yes.
19 Q. So yes, they would enter into
20 the system, correct?
21 MR. LESKO: Same objection.
22 A. They would retain for their
23 file.
24 Q. And what does that mean, retain
25 for their file?

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1 SUTTON
2 A. Just --
3 MR. LESKO: Same objection.
4 A. That they would have a record
5 of e-mail of the agent concerning their
6 debt.
7 Q. And what file would they be put
8 into; would that be put into the policy
9 file that we discussed?
10 MR. LESKO: Same objection.
11 A. No.
12 Q. Where would it be put?
13 A. That would be on an agent debt
14 file. A completely different matter than
15 the policy file.
16 Q. Okay. And do you know if the
17 insurer searched their agent debt file for
18 any mention of the policy at issue in this
19 case?
20 MR. LESKO: Objection to form.
21 A. Not to my knowledge.
22 Q. What about the claims, I think
23 you said the claims department, correct?
24 A. Yes.
25 Q. Would they enter into this

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1 SUTTON
2 policy file you talked about?
3 A. Yes, I believe so.
4 MR. LESKO: Same objection, by
5 the way, that I stated before.
6 Q. What about business and
7 underwriting?
8 MR. LESKO: Same objection.
9 A. I can't say for certain.
10 Q. So you do not know whether or
11 not they would enter it into this file,
12 correct?
13 A. Correct.
14 MR. LESKO: Same objection.
15 Q. Now, if there was a document
16 that was not in this file, similar to
17 Exhibit 5 -- is that correct, Exhibit 5 was
18 not kept in that file?
19 A. Yes.
20 MR. LESKO: What file?
21 A. You are --
22 MR. LIPSIOUS: She talked about
23 the policy file and, therefore, she
24 explained why --
25 Q. You explained that the policy

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1 SUTTON
2 file, the reason we do not have it, and we
3 produced it, is because it was not in the
4 policy file; is that correct?
5 A. Yes.
6 Q. That is what you testified to?
7 A. Yes.
8 Q. Okay. Are there any other
9 documents relating to this policy that
10 would not be kept in the policy file?
11 MR. LESKO: Objection. Broad.
12 Ambiguous. Calls for speculation.
13 Asked and answered.
14 A. I have not reviewed the
15 entirety of --
16 MR. LESKO: And beyond the
17 scope of the deposition.
18 A. -- of the entire file, so I
19 could not speculate what was in or what was
20 out in the file.
21 Q. Okay. If a check is returned,
22 would that returned check, a copy of that
23 returned check be put into the policy file?
24 MR. LESKO: Objection to form.
25 It calls for speculation. Incomplete

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1 SUTTON
2 hypothetical.
3 A. Generally, those checks as they
4 are instructed in sending to our payment
5 processing center and as they are returned,
6 are noted and so recorded.
7 Q. In the policy file --
8 A. Yes.
9 Q. -- is that your answer?
10 A. Yes, in the policy file.
11 Q. Attached to Exhibit 1 is a
12 document stein 00120, I ask you to look at
13 that document (handing)?
14 A. (Witness complying.)
15 Okay.
16 MR. LESKO: It's lower case
17 Stein.
18 Q. Have you seen this document
19 before?
20 A. I have.
21 Q. And when did you see it?
22 MR. LESKO: Objection.
23 Don't answer that question.
24 A. I won't answer.
25 MR. LESKO: And the reason is

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1 SUTTON
2 it calls for a disclosure of
3 attorney-client communication, work
4 product.
5 Q. Is this document maintained in
6 the regular course of business by the
7 insurer?
8 MR. LESKO: Objection to form.
9 A. This document would be
10 maintained in the regular course of
11 business.
12 Q. And how would one access this
13 document through the computer system?
14 MR. LESKO: Objection to form.
15 A. We wouldn't really necessarily
16 retrieve from the computer system. We
17 would retrieve and work through who sent
18 this.
19 Q. If I wanted to search within
20 the insurer's system for any document
21 returning a check, how would I go about
22 finding that document?
23 MR. LESKO: Objection. Asked
24 and answered.
25 A. Yes, as explained, I would not

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1 SUTTON
2 look for this document in the system, I
3 would refer to the treasury division, the
4 area that sent this check, or this letter
5 back out.
6 Q. If you did not know this letter
7 existed, could you ask the treasury
8 division for any documents relating to the
9 policy at issue?
10 MR. LESKO: Objection. Calls
11 for speculation. Incomplete
12 hypothetical.
13 A. Yes, I could ask them.
14 Q. And would they maintain a file
15 containing those records?
16 A. They would maintain files.
17 Q. Would that be computerized
18 files?
19 A. I don't know.
20 Q. Do you know how to access
21 records from the treasury division?
22 A. I don't know how to --
23 MR. LESKO: Objection. Broad.
24 Ambiguous.
25 A. I don't know how to access

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1 SUTTON
2 their particular records within their own
3 department.
4 Q. As a 30(b)(6) representative of
5 AIG American General, the insurer, do you
6 know whether anyone contacted the treasury
7 division to obtain documents for production
8 in this case?
9 A. I don't know that for certain
10 prior to my involvement.
11 MR. LESKO: No, that's not what
12 he was asking.
13 A. Could you restate?
14 Q. Do you know if anyone within
15 American General AIG, the insurer,
16 contacted the treasury division to obtain
17 copies of any documents relating to the
18 policy at issue?
19 MR. LESKO: That includes you.
20 A. Yes.
21 Q. And did someone do that?
22 A. Yes.
23 Q. And who did that?
24 A. The manager, Janet Fleigle.
25 Q. The manager what?

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1 SUTTON
2 A. I'm sorry, our direct payments
3 manager, Janet Fleigle.
4 Q. Oh, Janet Fleigle.
5 A. That works for me.
6 Q. And when did she do that?
7 A. Just over the last few days.
8 Q. And what did she determine?
9 A. Well, she just made contact
10 with the treasury department, who was
11 obtaining their records.
12 Q. So as we sit here today, you do
13 not have those records yet from the
14 treasury department; is that correct?
15 A. I have been outside of the
16 office, so I cannot say for certain. And I
17 have been unavailable, because of this
18 deposition today.
19 Q. As of Monday, have those
20 documents been obtained?
21 A. No, not as of Monday.
22 Q. As of Tuesday, have those
23 documents been obtained?
24 A. Not as of mid central time
25 yesterday afternoon, to my knowledge, yet.

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1 SUTTON
2 Q. And when was the request made
3 of the treasury division?
4 MR. LESKO: Objection to the
5 form.
6 A. That was just made within the
7 last couple of two or three working days,
8 so Friday.
9 Q. Any other divisions where
10 inquiry had been made within the last two
11 weeks?
12 MR. LESKO: Objection to form.
13 A. Not that I can recall.
14 MR. LESKO: Beyond the scope.
15 Ambiguous.
16 A. No.
17 MR. LESKO: Calls for
18 speculation.
19 THE WITNESS: Can we go off the
20 record for a second.
21 (Whereupon, a one-minute
22 off-the-record discussion was held.)
23 Q. I ask you to look at stein
24 000121, which is attached to Exhibit No. 1,
25 can you tell me what that is (indicating)?

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1 SUTTON
2 A. That is our stamp indicating
3 American General has received that
4 particular check from the client or
5 someone. We have obtained the check.
6 Q. Okay, a check meaning a check
7 for a premium; is that correct?
8 MR. LESKO: Objection to form.
9 A. I can't say for sure that it
10 was premium.
11 Q. Okay. But for some payment
12 that was believed destined to American
13 General; is that correct?
14 MR. LESKO: Objection to form.
15 A. I am not quite sure that it
16 could have been intended for American
17 General Life, but it is definitely our
18 stamp going through our process of
19 processing the check.
20 Q. Okay. And there are seven
21 companies listed, so would it be intended
22 theoretically for one of those seven
23 companies if the company would put that
24 stamp on it?
25 MR. LESKO: Objection to form.

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1 SUTTON
2 Calls for speculation.
3 A. It could be intended, but yet
4 it might not. It would depend on that
5 actual check.
6 Q. Now, looking at Exhibit 5,
7 where would the check have been sent? Or
8 where would the insured been having told to
9 send the check?
10 A. The insured is being instructed
11 to send payment to the payment processing
12 center for American General Life Insurance,
13 which is at P.O. Box 0807, Carol Stream,
14 Illinois 60132-0807.
15 Q. And is that the location where
16 you work?
17 A. No, it is not.
18 Q. Have you ever been to that
19 location?
20 A. I have been to the facility
21 that receives in those payments for
22 P.O. box at Carol Stream.
23 Q. Okay.
24 A. But no, I have not been at that
25 particular P.O. box at Carol Stream.

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1 SUTTON
 2 Q. And are you familiar with the
 3 process of the processing of checks at that
 4 facility?
 5 A. Yes, I am.
 6 Q. And it has a P.O. box, does the
 7 post office deliver it to an actual
 8 physical address?
 9 MR. LESKO: Objection. Calls
 10 for speculation.
 11 A. The post office --
 12 MR. LESKO: Objection. Vague.
 13 Ambiguous.
 14 A. The post office delivers it
 15 into P.O. box as shown, as indicated, into
 16 Carol Stream.
 17 Q. And then does someone pick it
 18 up from American General?
 19 A. Yes.
 20 Q. And would that have been the
 21 process in 2009?
 22 A. Yes.
 23 Q. And when it was picked up from
 24 the post office, where was it taken?
 25 A. It is then delivered to our

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1 SUTTON
 2 Citibank vendor for processing.
 3 Q. And who is the Citibank vendor?
 4 MR. LESKO: Objection --
 5 A. Citibank.
 6 MR. LESKO: -- to form.
 7 Q. Citibank?
 8 A. Yes.
 9 Q. And what is done with the
 10 check, if anything, by Citibank?
 11 A. They open and process the check
 12 and contents.
 13 Q. And how do they do that?
 14 A. They have a machine that opens
 15 the mail.
 16 Q. Okay.
 17 A. They have processors that
 18 review the mail. They have a quality
 19 search on all the processing.
 20 Q. The first thing they do is they
 21 open the mail, correct?
 22 A. Yes.
 23 Q. And if there is a check in the
 24 mail, what do they do with that check?
 25 A. That check is then scanned and

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1 SUTTON
 2 imaged for our reference purposes.
 3 Q. And is the policy number
 4 captured in the scanning of the image?
 5 A. The policy number, you are
 6 asking just as far as the check, and the
 7 check is scanned, if the check is showing a
 8 policy number, it would be imaged as well.
 9 Q. Now, is there any input into
 10 any computer system with that policy number
 11 to link the payment or the check to a
 12 policy number?
 13 MR. LESKO: Objection to form.
 14 A. Yes, there is a link with that
 15 particular policy number in our Citibank
 16 image system.
 17 Q. Let's go through the process,
 18 just so I understand.
 19 The check comes, the first
 20 thing they do is image the check?
 21 A. Yes.
 22 Q. Is the check stamped on the
 23 back with the policy notice?
 24 A. Today, if that image is -- if
 25 the check is -- if the check is able to be

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1 SUTTON
 2 processed, yes, it is.
 3 And keep in mind, this is at
 4 the P.O. box, these are the payments being
 5 received and sent to the P.O. box in Carol
 6 Stream, okay. I just want to clarify that
 7 as far as you are questioning that.
 8 Q. Sure. We will get to the other
 9 facility in a moment.
 10 Now, stein 000121, would that
 11 be the stamp that would be put on the back
 12 of the check when Citibank receives that
 13 check in 2009?
 14 A. No --
 15 Restate the question?
 16 Q. Okay. We see a document stein
 17 000121, on Exhibit 1, and that is the back
 18 of the check with a stamp on the top, I
 19 believe that to be true; would that be
 20 correct, or am I incorrect?
 21 MR. LESKO: Objection to form.
 22 A. This is -- this is a stamp used
 23 for American General.
 24 Q. And it says "for deposit only,"
 25 am I correct that this would have been

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1 SUTTON
 2 stamped at the Citibank vendor facility
 3 onto the check?
 4 A. I can't say --
 5 MR. LESKO: Objection.
 6 A. -- for certain in 2009.
 7 Q. Today, is that the way it's
 8 done?
 9 A. I can't say for certain that it
 10 looks like that.
 11 Q. Okay. What is your belief in
 12 the way it's done today?
 13 A. I can't say for certain what
 14 the back of that endorsement looks like.
 15 Q. Okay, but you believe there is
 16 some type of endorsement put on the back of
 17 the check?
 18 A. Yes.
 19 Q. Do you have any reason to
 20 believe that this endorsement was put on by
 21 anyone other than the Citibank vendor?
 22 MR. LESKO: Objection to form.
 23 A. Oh, yes.
 24 MR. LESKO: This endorsement
 25 being the endorsement on the back of

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1 SUTTON
 2 the exhibit?
 3 MR. LIPSIOUS: That is correct.
 4 Q. Who do you believe, if it's
 5 somebody other than the Citibank vendor,
 6 who would put the endorsement on the back
 7 of this check?
 8 MR. LESKO: Objection to form.
 9 Calls for speculation.
 10 A. Our American General Life
 11 Companies would -- for example, our
 12 treasury department would have the ability
 13 to put that on the back of the check.
 14 Q. So let's go through the process
 15 and maybe I misunderstood the process.
 16 It comes into the Citibank
 17 vendor, they open it up and they scan it,
 18 correct?
 19 A. Yes.
 20 MR. LESKO: Objection to form.
 21 A. That is if the payment is
 22 remitted to P.O. Box 0807, Carol Stream,
 23 Illinois (indicating).
 24 Q. And then what do they do next,
 25 the Citibank vendor?

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1 SUTTON
 2 A. Then they would -- the Citibank
 3 vendor receives the checks and then they
 4 review any notices that are coming with
 5 that.
 6 Q. Does that mean any attachments
 7 that were attached to the envelope?
 8 A. Any provided in that same
 9 envelope.
 10 Q. Okay, and then what would they
 11 do?
 12 A. And they are processing and
 13 matching for these particular items.
 14 Q. Okay, and then what would they
 15 do?
 16 A. And then they are running them
 17 through our Citibank logic for matches on
 18 the premiums, on the notices for the
 19 premiums or anything indicated on the
 20 notice in comparison to the checks or
 21 checks received in the envelope.
 22 Q. Okay.
 23 A. And our matches are compared
 24 and then sent through our system from
 25 Citibank into our logic at American

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1 SUTTON
 2 General, through our administrative service
 3 systems.
 4 Q. What does the logic at American
 5 General mean?
 6 A. Just general logic as to what
 7 and how the policy status is on the policy,
 8 the amount billed versus the amount
 9 received on that particular policy.
 10 MR. LESKO: I just want to
 11 designate this testimony regarding
 12 the Citibank process and the logic,
 13 it's confidential, pursuant to the
 14 order. So the court reporter is
 15 going to have to stamp the transcript
 16 "confidential."
 17 Q. Now, you said it's billed
 18 versus received, does Citibank compare the
 19 amount billed versus received?
 20 A. No. That, that is within -- as
 21 far as the billed --
 22 What Citibank is doing is they
 23 are reviewing the amount of the check
 24 versus what is on the premium stub.
 25 Q. Okay.

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1 SUTTON
2 A. Okay?
3 And I would want to add, too,
4 just for the record, that it would be
5 important for me to also make mention that
6 we've automated and been building on this
7 electronic process, so any point in time
8 that I am being asked, that particular
9 enhancement to that building, it might have
10 been done a little different, based on the
11 particular dates that you might be asking
12 me.
13 Q. So right now we are asking when
14 this check was received in July of 2009.
15 A. Yeah, and I would want to state
16 that in July of '09, I would want to go
17 back and actually review our course of
18 automation at that time. I think that's a
19 fair statement.
20 Q. So have you reviewed your
21 course of procedure automation for the
22 period of 2009 in preparation for today's
23 deposition?
24 A. Not specifically to the July of
25 '09 time frame.

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1 SUTTON
2 Q. How about May of '09?
3 A. There again, not specific to
4 May of '09. So I would just want to be
5 very careful to just state that for
6 particular increments of time, I would want
7 to check further, to be certain.
8 Q. Okay.
9 A. Okay?
10 Q. Now, one of the documents that
11 we have here on Exhibit 1 is stein 000120,
12 do you see that (handing)?
13 A. Yes.
14 Q. Okay. What department within
15 American General would have sent that
16 notice?
17 A. That was sent by the American
18 General Life Companies, the treasury
19 division in Houston, Texas.
20 Q. If the check had come to Carol
21 Stream, Illinois, would that notice have
22 come from the treasury division, in the
23 normal course of business?
24 A. No.
25 Q. So would that indicate to you

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1 SUTTON
2 that the check was received at a place
3 other than Carol Stream, Illinois?
4 A. Yes.
5 Q. Okay.
6 A. Yes.
7 Q. Now, is there another location
8 where checks would be sent?
9 MR. LESKO: Objection to form.
10 Calls for speculation.
11 Q. And we are all talking about
12 2009.
13 MR. LESKO: Same objection.
14 A. Our clients were instructed to
15 send their payments to our P.O. box in
16 Carol Stream.
17 Q. Okay, but were payments sent to
18 Houston, Texas?
19 MR. LESKO: Objection.
20 A. That's very vague.
21 Q. If the treasury would send a
22 notice like Exhibit 1, document No. 000120,
23 where would that payment have been
24 received?
25 MR. LESKO: Objection to form.

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1 SUTTON
2 A. It would be my assumption,
3 without seeing anything else, if you are
4 just referencing this Stein document, is
5 that my assumption would be that it was
6 received into the Houston, Texas operation.
7 Q. And as you sit here today, do
8 you know where the \$15,000 payment that was
9 received in July, what facility received
10 that?
11 A. With you just pointing to this
12 particular document, no. But I have an
13 understanding as to where that was directed
14 to.
15 Q. And where was it directed to?
16 A. It's my understanding it was
17 directed to Houston, Texas.
18 Q. And what is the basis of that
19 understanding?
20 A. A copy of the document that I
21 recall seeing that it was a UPS or an
22 overnight.
23 Q. Okay. And where did you see
24 that document?
25 MR. LESKO: Objection.

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1 SUTTON
 2 To the extent that would
 3 require you to reveal attorney-client
 4 communication and work product, I
 5 instruct you not to answer.
 6 A. Right, I will not answer that.
 7 Q. When did you see that document?
 8 MR. LESKO: Same objection.
 9 A. I will not answer that.
 10 Q. Now, if an insured, in 2009,
 11 wanted to send a payment via overnight
 12 courier, FedEx, UPS, et cetera --
 13 You understand what overnight
 14 courier means, correct?
 15 A. Yes.
 16 Q. -- is it your understanding
 17 that it cannot be sent to a P.O. box?
 18 A. Yes.
 19 Q. And does the insurer accept
 20 payments via overnight courier?
 21 MR. LESKO: Objection to form.
 22 A. Yes. Generally yes, we do.
 23 Q. And --
 24 A. Excuse me. May I say, when you
 25 say "accept," I have to be very careful

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1 SUTTON
 2 about that, as far as when you say
 3 "accept," I won't say that, yes, in all
 4 instances we will accept, but we receive,
 5 yes.
 6 Q. And is there an address or
 7 addresses which American General AIG, the
 8 insurer, provides for submission of payment
 9 via overnight courier?
 10 MR. LESKO: Objection. Vague.
 11 Ambiguous. Calls for speculation.
 12 And incomplete hypothetical.
 13 A. Yeah, and that's again, it is
 14 vague and could you be --
 15 Yeah, it is vague; I would
 16 rather not answer with a vague question.
 17 Q. What is vague about asking if
 18 there is a facility or an address that one
 19 could send a FedEx envelope to or a UPS
 20 envelope to in the year 2009?
 21 MR. LESKO: Objection.
 22 Argumentative.
 23 A. Because we have multiple people
 24 who represent American General, so they
 25 could be working with a number of clients

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1 SUTTON
 2 or agents directing them to send documents
 3 in or mail in.
 4 Q. Well, right now we are asking
 5 about a payment, I specifically asked a
 6 payment.
 7 So is it your testimony that if
 8 someone wants to send a payment via
 9 overnight courier, there are multiple
 10 addresses where American General will
 11 accept those payments?
 12 A. That's --
 13 MR. LESKO: Objection --
 14 A. -- not my testimony, no.
 15 MR. LESKO: -- to form.
 16 Q. Is there an address that is
 17 provided to insureds or policy owners to
 18 send payment via overnight courier?
 19 MR. LESKO: Objection. Vague.
 20 Ambiguous. Overbroad. Incomplete
 21 hypothetical. And calls for
 22 speculation.
 23 A. Our clients should refer to the
 24 notice of payment due, and within the
 25 notice of payment due, it does not indicate

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1 SUTTON
 2 an address for sending an overnight payment
 3 for overnight payment. It is indicating a
 4 P.O. box for Carol Stream, Illinois, it is
 5 not specifically indicating for overnight.
 6 Q. But you have already testified
 7 that the company does accept overnight
 8 payment?
 9 MR. LESKO: Objection.
 10 A. We --
 11 MR. LESKO: Misstates
 12 testimony.
 13 A. I cannot say accept, but we
 14 receive overnight packages, yes, for
 15 payments.
 16 Q. And is there an address where
 17 an insured is instructed to send that
 18 overnight package?
 19 MR. LESKO: Same objection.
 20 Broad. Vague. Calls for
 21 speculation. Incomplete
 22 hypothetical.
 23 A. And there again, I will point
 24 us to the bill notice, the bill notice does
 25 not have that information contained if they

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1 SUTTON
2 want to overnight.
3 Q. You are a bright woman and you
4 understand that I am asking for the address
5 and you are answering this -- remember, a
6 jury is going to see this when you come on
7 the stand one day and you are going to look
8 very foolish. And, therefore, I asking you
9 a simple question. I know what the billing
10 notice says, you are not answering my
11 question, you are avoiding it, based on
12 prompting by counsel.
13 With that, is there an address
14 that American General provided in 2009, one
15 or more addresses, were insureds would be
16 told to overnight payments to?
17 MR. LESKO: Hold on.
18 MR. LIPSIUS: And you just
19 object as to form, that's your right
20 objection, or tell her not to answer,
21 not coaching of the witness and
22 playing these games you have been
23 playing the whole day.
24 MR. LESKO: Thank you.
25 Counsel, you are raising your

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1 SUTTON
2 So I am going to make the
3 statement.
4 What you just did to this
5 witness was harassing, it was
6 improper, you are trying to
7 intimidate her, it is argumentative.
8 It is now lunchtime, we will come
9 back in 15 minutes.
10 MR. LIPSIUS: We are in the
11 middle of a question.
12 MR. LESKO: Let's go.
13 MR. LIPSIUS: Call the judge.
14 We are calling the judge right
15 now. You stopped her in the middle
16 of a question.
17 MR. LESKO: Go ahead and call
18 the judge.
19 (Whereupon, at 12:46 p.m., a
20 break was taken to call Magistrate
21 Judge Orenstein's chambers.)
22 MR. LIPSIUS: Please put on the
23 record that a call was made to the
24 judge's chambers.
25 (Whereupon, a luncheon recess

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1 SUTTON
2 voice, you are leaning forward, you
3 are thumping on the table, you are
4 clearly frustrated.
5 MR. LIPSIUS: You are --
6 MR. LESKO: I am not finished.
7 MR. LIPSIUS: You are raising
8 your voice and you are making a
9 record of a false item. I am not
10 stamping on the table. I have been
11 in the same position for quite a
12 while, I haven't leaned forward and I
13 am not raising my voice. So,
14 therefore, I am asking the question,
15 if you want to object, then do it
16 under the federal rules.
17 MR. LESKO: When you ask proper
18 questions under the federal rules,
19 when you limit your deposition to
20 that, then you can instruct me how to
21 handle a deposition.
22 MR. LIPSIUS: And we have
23 already had a judge determine today
24 who asked the proper question.
25 MR. LESKO: Well, not quite.

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1 SUTTON
2 was taken.)
3 (Whereupon, at 1:24 p.m., the
4 examination resumed.)
5 CONTINUED EXAMINATION
6 BY MR. LIPSIUS:
7 Q. During the break, did you
8 discuss anything having to do with the
9 testimony today?
10 A. No.
11 Q. Did you discuss anything to do
12 with the policy at issue?
13 A. No.
14 Q. Did you discuss anything having
15 to do with the litigation?
16 A. No.
17 Q. Does American General accept or
18 receive, using your language, does American
19 General receive checks via overnight
20 delivery?
21 MR. LESKO: Objection to form.
22 Broad. Ambiguous. Calls for
23 speculation. And incomplete
24 hypothetical.
25 A. American General may receive

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1 SUTTON
 2 those type of payments.
 3 Q. And is there an address where
 4 American General receives those types of
 5 payments?
 6 MR. LESKO: Same objection.
 7 A. It's -- it is very vague in
 8 that a client could send anything to any
 9 address that they so choose, so again, I, I
 10 wouldn't know what all of our clients might
 11 have at their disposal in sending -- where
 12 they might mail it.
 13 Q. As director of customer
 14 services, if a client or insured calls up
 15 and said I want to send a payment, this is
 16 in 2009, via overnight delivery, is an
 17 address given by your customer service?
 18 MR. LESKO: Same objection.
 19 Q. Facility.
 20 MR. LESKO: Same objection.
 21 A. Our customer service could
 22 provide an address if they want to
 23 overnight it. Back in 2009, as far as what
 24 that address would be, I would have to
 25 check for the record.

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1 SUTTON
 2 Q. In the regular course of
 3 business, did they provide an address when
 4 requested?
 5 MR. LESKO: Same objection.
 6 A. Number one, I don't know that
 7 they even requested it. And number two is
 8 I don't know that they called and then were
 9 provided with that.
 10 Q. I didn't say "they." We are
 11 not talking about anybody. We are talking
 12 about the general operating procedures.
 13 If someone would call customer
 14 service and say I want to send a check via
 15 overnight delivery, was there a designated
 16 address that customer service would provide
 17 to insureds?
 18 MR. LESKO: Same objection.
 19 A. There would be a designated
 20 address or addresses. At that time, I
 21 don't know the specific address that would
 22 have been provided.
 23 Q. Okay. But there was a specific
 24 address that would have been provided; is
 25 that correct?

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1 SUTTON
 2 A. Address --
 3 MR. LESKO: Same objection.
 4 A. -- or addresses.
 5 MR. LESKO: Same objection.
 6 And asked and answered.
 7 Q. Address or addresses, thank
 8 you.
 9 And do you know if that address
 10 or addresses were in the state of Texas?
 11 MR. LESKO: Same objection.
 12 A. Yes, I would -- I would say
 13 that --
 14 And there again, I don't want
 15 to speculate, I would prefer to state on
 16 the record that I don't know exactly for
 17 sure back in '09 if it was just Houston,
 18 Texas.
 19 Q. Okay. And you said "just,"
 20 does that mean that Houston, Texas was at
 21 least one of the addresses that was
 22 provided?
 23 A. It could have been. Again, in
 24 that time frame of 2009, I don't know
 25 specifically what the addresses would be.

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1 SUTTON
 2 Q. Who would know what those
 3 addresses are?
 4 A. I could find that out.
 5 Q. Okay. And how would you find
 6 that out?
 7 A. I would check with our direct
 8 payments manager and also I would check
 9 with our client service center, to concur
 10 as to the addresses that would have been
 11 provided for overnight to American General
 12 Life for payments.
 13 Q. So direct payment manager or
 14 client services; is that correct?
 15 A. Yes.
 16 Client service center. Since
 17 you asked as far as a call rep.
 18 Q. And where was the client
 19 service center physically located?
 20 A. At what point in time --
 21 Q. 2009.
 22 A. -- are you asking?
 23 Q. May 2009, June 2009, July 2009.
 24 A. I would have to check. Because
 25 we have a number of call centers.

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1 SUTTON
2 So if you are asking concerning
3 the premiums, we would assume that the
4 customer could be calling in to the client
5 service center as a policy owner and be
6 instructed, and that call center could have
7 been in -- could have received a call
8 center in Houston or a call center in
9 Springfield, Illinois.
10 Q. Okay.
11 A. And then just as far as
12 generally speaking, we are generally
13 speaking here, there was also a call center
14 in Milwaukee for American General Life.
15 Q. Okay.
16 A. Now, at the point in time of
17 May of '09, I would have to reference back
18 to see if that call center was still
19 operational.
20 Q. Okay. In May, June, July of
21 2009, were there facilities that received
22 checks via FedEx or overnight delivery,
23 excuse me, other than in Texas?
24 MR. LESKO: Objection to form.
25 Same objection.

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1 SUTTON
2 A. Facilities, again, of other
3 American General Life facilities, again,
4 clients could -- again, I don't know,
5 but -- what clients might send those, but
6 if there is a facility, it could have been
7 Springfield, Illinois and, again, if the
8 Houston -- or if the operation in Milwaukee
9 was still operational with their mail area,
10 that could have been another option as
11 well. As far as far as having received
12 what you indicate.
13 Q. Where is the treasury division
14 located?
15 A. In Houston, Texas.
16 Q. And what is the treasury
17 division?
18 A. The treasury division is
19 responsible for overseeing the incoming and
20 outgoing dollar ledgers being posted to the
21 various accounts.
22 Q. In 2009, were checks sent to
23 the treasury division?
24 MR. LESKO: Objection.
25 Overbroad. Vague. Ambiguous. Calls

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1 SUTTON
2 for speculation.
3 A. Can you restate?
4 Q. In 2009, were premium checks
5 received in the regular course of business
6 by the treasury division?
7 MR. LESKO: Same objection.
8 A. Not in the regular course of
9 business.
10 Q. When were they received by the
11 treasury division?
12 MR. LESKO: Same objection.
13 A. Only in infrequent situations
14 would checks be received by the treasury
15 department.
16 Q. And what would be that
17 infrequent --
18 A. For premium payments.
19 Q. And what would be that
20 infrequent time? What type of infrequent
21 times would they receive?
22 A. What type of infrequent times?
23 Q. Yes.
24 MR. LESKO: Objection to form.
25 Q. You told me infrequently they

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1 SUTTON
2 were received by the treasury division,
3 were there classes of payments received by
4 the treasury division?
5 MR. LESKO: Objection to form.
6 A. Classes of payments, they could
7 be, I suppose, any particular type of
8 checks. It could be, you know, it could be
9 a client check for a premium, it perhaps
10 even could be a check that was received
11 even for an agent, in his agent debt, or it
12 could be something that was misdirected by
13 a client.
14 So I suppose the treasury
15 department might receive, you know, various
16 miscellaneous type of checks.
17 Q. Well --
18 A. Just depending on the clients
19 and where they might send their payments.
20 Q. And did the treasury division
21 have a form where they would use to return
22 checks?
23 A. Yes, it's my understanding that
24 they did have a form for returning checks.
25 Q. And where did you get that

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1 SUTTON
2 understanding from?
3 A. Well, right there on that
4 exhibit that you showed me and you asked me
5 where it came from. It came from the
6 treasury department.
7 Q. Had you ever seen that form
8 before you were involved in this matter?
9 A. Not that I recall, no.
10 Q. So you were supposing they had
11 a form base on that document; is that
12 correct?
13 MR. LESKO: Objection to form.
14 Misstates testimony.
15 A. It is very obvious that that is
16 a standard form.
17 Q. Okay.
18 A. From my personal business
19 dealings.
20 Q. Okay.
21 A. I will make that general
22 assumption.
23 Q. The first time you saw this
24 form was involving this file; is that
25 correct?

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1 SUTTON
2 MR. LESKO: Objection to form.
3 Misstates testimony. Asked and
4 answered.
5 A. Yes.
6 Q. So prior to your seeing this
7 form involved with this policy, if I would
8 ask you that question, does the treasury
9 division have a form, would you have known
10 the answer?
11 MR. LESKO: Objection to form.
12 Vague. Ambiguous. Incomplete
13 hypothetical. Calls for speculation.
14 A. I would have said that without
15 knowing for sure, but it's a department
16 that receives information, so yes, I would
17 assume that they would have had a form.
18 Q. And did the treasury division
19 have authority on behalf of American
20 General to return a check?
21 A. Yes.
22 Q. Did the treasury division have
23 access to the American General computers to
24 determine how much premium is owed?
25 MR. LESKO: Objection to form.

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1 SUTTON
2 Calls for speculation. Beyond the
3 scope of the notice.
4 A. Could you restate the question?
5 MR. LIPSIOUS: Could you read it
6 back to her, please.
7 (Whereupon, the referred to
8 question was read back by the
9 Reporter.)
10 MR. LESKO: And it's beyond the
11 subject matter for which this witness
12 is presented.
13 A. They could access our computer
14 systems, but as far as knowing what is
15 owed, they would not necessarily make that
16 determination on their own.
17 Q. I am not asking if they made a
18 determination, I just want you to listen
19 carefully to the question, and I will
20 restate it again.
21 MR. LESKO: Objection.
22 Argumentative.
23 Q. Did American General Life
24 Companies treasury division have access to
25 the computer system so it could see how

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1 SUTTON
2 much was owed?
3 MR. LESKO: Objection. Asked
4 and answered. Beyond the scope.
5 Calls for speculation.
6 A. Again, I would -- I would state
7 that they have access to computer systems
8 and as far as being able to check to see
9 what was owed for a policy, that is
10 something that -- they wouldn't rely on
11 just their review of the policy.
12 Q. I'm not asking what they would
13 rely upon, could they look on a computer
14 and say this insured owes \$1,000? Could
15 they see what was owed on a policy?
16 MR. LESKO: Same objections.
17 A. When you say "what is owed,"
18 there are various type of amounts that
19 might be owed for a policy.
20 Q. Would you be able to, in 2009,
21 would you personally be able to go into a
22 computer to say how much is owed to keep
23 this policy in force and look on the
24 computer?
25 A. In that time frame of May of

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1 SUTTON
 2 '09?
 3 Q. Yes.
 4 Would you have been able to do
 5 that personally?
 6 A. Yes.
 7 Q. In that time frame of May of
 8 2009, would you be able to look and say
 9 what was the last amount invoiced to the
 10 insured?
 11 MR. LESKO: Objection to form.
 12 A. Restate?
 13 Q. Would you be able to go into
 14 the computer system in 2009 and determine
 15 what was the last billing to the insured.
 16 A. Yes, I would be.
 17 Q. Okay.
 18 A. Yes.
 19 Q. Did the treasury division have
 20 that same capability to look on the
 21 computer, access to the same program you
 22 have, look on the computer and see how much
 23 was the last bill?
 24 MR. LESKO: Objection. Beyond
 25 the scope. Calls for speculation.

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1 SUTTON
 2 A. They would not be able to have
 3 the same amounts of knowledge and
 4 understanding to know necessarily where to
 5 go and what would be due when on a policy
 6 as far as having the expertise.
 7 Q. So they could access the
 8 system, but they may not be able to
 9 understand it as well as you understand
 10 it --
 11 MR. LESKO: Objection to form.
 12 Q. -- is that correct?
 13 A. As far as the amount that is
 14 owed, and that is what you have been
 15 asking.
 16 Q. Right.
 17 A. As far as the amount owed, yes.
 18 Q. So they would be able to see
 19 the same data, it's just you have
 20 experience looking at that data; is that
 21 correct?
 22 MR. LESKO: Objection to form.
 23 A. I don't -- I don't necessarily
 24 know that they could see all of the data.
 25 Q. Who would know what data they

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1 SUTTON
 2 could and could not see?
 3 A. The treasury department.
 4 Q. Who at the treasury department?
 5 A. I could give you a number of
 6 names, but I would say --
 7 I would start with Marianne
 8 Woolridge (phonetic), director of treasury.
 9 Q. In preparation for today's
 10 deposition, did you speak to anyone from
 11 the treasury department?
 12 A. I did not speak myself to
 13 anyone from treasury.
 14 I recall in my prior testimony,
 15 I have mentioned that as far as that
 16 exhibit that you showed me (indicating) --
 17 Q. Exhibit 1, stein 000120.
 18 A. -- returning that payment from
 19 the treasury department, you had asked as
 20 far as the -- that particular letter being
 21 in the file and us trying to retrieve that
 22 from the treasury department, so I will
 23 make reference to that on the record.
 24 Q. Okay. So you had an assistant
 25 of yours try to contact the treasury

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1 SUTTON
 2 department; is that correct?
 3 A. That's correct.
 4 Q. And you have not yet gotten a
 5 response from them as of yesterday; is that
 6 correct?
 7 MR. LESKO: Objection to form.
 8 A. I believe I have answered that,
 9 yes, already, that as of yesterday, mid
 10 afternoon -- please know that I have been
 11 out of the office and unavailable through
 12 today -- through mid yesterday, the latter
 13 part of the afternoon, I had not myself
 14 seen a reply.
 15 Q. In 2009, May of 2009, at what
 16 facility of American General were premium
 17 lapse notices sent from?
 18 A. They were mailed from and out
 19 of our Houston, Texas American General Life
 20 Companies building.
 21 Q. And what facility were lapse
 22 notices mailed from?
 23 A. The same.
 24 Q. And is there a physical mail
 25 room where the envelopes were stuffed?

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1 SUTTON
2 A. Yes.
3 Q. And would that be in Houston?
4 A. Yes.
5 Q. And was there, at that time, a
6 place where lapse notices are printed?
7 A. Yes.
8 Q. And was there a place where
9 grace notices were printed?
10 A. Yes.
11 Q. And is that the same place?
12 A. Yes.
13 And I will just add to that,
14 yes, Houston, Texas, our facility there.
15 Q. Have you ever been to that
16 facility?
17 A. Yes.
18 Q. When was the last time you were
19 there?
20 A. The last time I was there was
21 February of this year.
22 Q. Were you there in 2009?
23 A. Most likely I was.
24 Q. And what was the purpose of
25 your February visit to the facility?

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1 SUTTON
2 A. Operations staff meetings.
3 Q. Were you actually physically in
4 the room where the notices were printed?
5 MR. LESKO: Object to form.
6 A. At which time period?
7 Q. Well, let's start in 2009.
8 A. No.
9 Q. In 2012?
10 A. Yes.
11 Q. Before 2012, were you ever
12 physically in that facility?
13 A. At that facility?
14 Q. The facility where the notices
15 are printed.
16 A. I was at the facility, but not
17 in the department.
18 Q. Okay, meaning were you in the
19 mail room where the printers actually were?
20 MR. LESKO: Object to form.
21 A. In what time frame?
22 Q. Well, you said you were there
23 in 2012, correct?
24 A. Yes.
25 Q. Prior to 2012?

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1 SUTTON
2 A. No.
3 Q. So the first time you were
4 there was 2012?
5 A. Correct.
6 Q. What was the purpose of that
7 visit?
8 MR. LESKO: Object to form.
9 A. For which --
10 What specifically are you
11 asking?
12 Q. In 2012, you were in the place
13 where the notices were printed, correct?
14 A. Yes.
15 Q. Okay, what was the purpose of
16 you going to that place?
17 A. To just observe and see the
18 facility. I was doing a tour of that area.
19 Q. Do you know if the facility was
20 the same in 2009?
21 A. It's my understanding it is,
22 yes.
23 Q. Okay, what is the basis of that
24 understanding?
25 A. My conversation with Frank

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1 SUTTON
2 Vallis.
3 Q. When notices of lapse or grace
4 are printed, are they batched by first
5 grace and then lapse?
6 MR. LESKO: Objection to form.
7 Q. Do you know if there is a
8 batching?
9 A. There is a batching.
10 Q. And what is the batching based
11 on?
12 A. The batching is separate for
13 grace versus the lapse.
14 Q. Are there other type of notices
15 that also come from that facility?
16 A. Yes.
17 MR. LESKO: Objection to form.
18 Q. What other type of notices?
19 A. For example, bill notices.
20 Q. What is a bill notice?
21 A. Premium business notice or --
22 Q. Would that be what we discussed
23 earlier, that \$15,000 bill?
24 A. Sure. Other notices for
25 billing.

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1 SUTTON

2 Q. Okay. One second.

3 Exhibit 5 is a bill notice?

4 A. Yes, bill notice.

5 Q. Okay, and that comes from that

6 same facility, correct?

7 A. Yes.

8 Q. Okay.

9 A. And as well, loan interest,

10 loan notices.

11 Q. Are each of those types of

12 notices batched?

13 MR. LESKO: Object to form.

14 A. Yes, those would be batched,

15 yes.

16 Q. Do you know why they are

17 batched?

18 A. Because the system is

19 acknowledging that a payment is needing to

20 be billed or a loan interest notice is

21 being billed, so it is being batched by

22 each particular policy that is indicating

23 that it needs to be print -- printed and

24 batched.

25 Q. Okay. Just so I understand

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1 SUTTON

2 this correctly, if one day one thousand

3 grace notices are going out and another

4 thousand billing notices are going out,

5 another five hundred lapse notices are

6 going out, you would run all of the lapse

7 notices -- I'm not necessarily saying in

8 this order -- all of the lapse notices and

9 a different one would be all the billing

10 notices and a different one would be all

11 the grace notices; is that correct?

12 A. Yes, separate.

13 Q. What happens once those notices

14 are printed in 2009?

15 A. Once they are printed, then

16 they are provided -- those particular

17 notices you are mentioning would be

18 provided to our mail services area for

19 correlating, putting together and mailing

20 out.

21 Q. Okay, so it comes off the

22 printer, do you know if it goes by zip code

23 or within the group, do you know if that is

24 zip coded or not?

25 A. When you are talking about

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1 SUTTON

2 coming off the printer, it needs to come

3 from the print area into our mail services.

4 Q. Okay.

5 A. So then our mail services then

6 is working with the batch.

7 Q. How far is the printer from the

8 mail services area, physically?

9 A. In '09, I can't speculate as

10 far as where one was versus the other.

11 Today, they are close by.

12 Q. And do you know how many

13 notices are sent or how many pieces of

14 paper are sent on an average day?

15 MR. LESKO: Objection to form.

16 Vague and ambiguous. Speculative.

17 A. I'm sorry, I have seen a number

18 recently, but I don't recall the exact

19 number.

20 Q. Could it be --

21 A. A thousand.

22 Q. -- more than ten thousand?

23 A. A thousand.

24 Q. Do you think it is more than

25 ten thousand?

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1 SUTTON

2 A. Um, I wouldn't want to

3 speculate unless there is an exhibit that

4 you have here today that I could reference.

5 Q. The date on the premium

6 notices, does that correlate with the date

7 the document is printed?

8 A. Restate, please?

9 Q. If the premium notice that we

10 have here has a date of June 3, 2009,

11 correct?

12 A. Uh-huh.

13 Q. Would that be the date that it

14 was printed? Would that correlate with the

15 date of printing?

16 A. Yes.

17 It is my understanding that it

18 would be printed in a batch that is for

19 printing on this particular exhibit, stein

20 00118, that was prepared on June 3rd of

21 2009.

22 Q. Okay. So the actual print date

23 would be June 3rd; is that correct?

24 A. June 3rd is my understanding,

25 yes.

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1 SUTTON
2 Q. And the insurance company has
3 represented that this facility works five
4 days a week, twenty-four hours a day, is
5 that your understanding?
6 MR. LESKO: Object to form.
7 A. Restate your question, please?
8 Q. The insurance company has
9 represented that the facility that does the
10 printing and mailing operates five days a
11 week, twenty-four hours a day, is that your
12 understanding?
13 MR. LESKO: Object to form.
14 I am not sure that is accurate.
15 A. The facility you are indicating
16 is, um, representing the entire building,
17 so, no, the entire building does not
18 operate five days a week, twenty-four hours
19 a day.
20 Q. I am talking about the print
21 part, not the whole building, does printing
22 go on five days a week, twenty-four hours a
23 day?
24 A. It is either the printing or
25 the mail area, but I believe it's the mail

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1 SUTTON
2 area.
3 Q. Okay, so is the mail area open
4 five days a week, twenty-four hours a day?
5 A. Yes, I believe they are.
6 Q. Okay. How late in the day is
7 printing performed?
8 A. Printing now you are asking?
9 Q. Printing, right.
10 A. How late in the day?
11 Q. Yes.
12 A. I don't know that to be exact.
13 Q. And if something is printed at
14 3 o'clock, what would the date be put;
15 would it be that date that is on the notice
16 of payment due?
17 MR. LESKO: Objection to form.
18 It calls for speculation and
19 hypothetical. Also, assumes facts
20 not in evidence.
21 A. Please restate?
22 Q. Okay. What I would like to
23 know is, you have seen Exhibit 5, correct?
24 A. Yes.
25 Q. Okay, and it says June 3rd?

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1 SUTTON
2 A. Yes.
3 Q. And you have testified that
4 that means that in the normal course of
5 business, this should have been printed on
6 June 3rd?
7 A. Yes.
8 Q. Correct?
9 A. Yes.
10 Q. If this was printed at
11 3 o'clock in the afternoon, would it say
12 June 3rd?
13 MR. LESKO: Objection it form.
14 Q. In the normal course of
15 business.
16 MR. LESKO: Objection to form.
17 Calls for speculation. Assumes facts
18 not in evidence. And is an
19 incomplete hypothetical.
20 A. The system is recognizing that
21 on June 3rd this notice of payment is being
22 triggered to be printed. If it's printed
23 at 3 o'clock, it's my understanding that it
24 will still show a prepare date of June 3rd
25 of 2009.

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1 SUTTON
2 Q. And if it was printed at
3 5 o'clock, would it still say June 3rd?
4 MR. LESKO: Same objection.
5 And I also might add that there
6 is no evidence that you can
7 reasonably draw a conclusion that
8 this was printed at 3 or 5 o'clock.
9 A. It would be my understanding,
10 yes.
11 Q. And how late does the printing
12 continue?
13 A. That, I do not know.
14 Q. And who would know that?
15 A. James Daniel of our printing
16 area. He is the director of that area.
17 Q. Now, going through the process,
18 it gets printed and now gets brought over
19 to the mailing facility; is that correct?
20 A. Correct.
21 Q. How many people work for the
22 mail facility today?
23 A. I do not know the exact number
24 that work there today.
25 Q. Do you know the number in 2009?

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1 SUTTON
2 A. I don't.
3 Q. Are we talking about more than
4 fifty?
5 A. I wouldn't want to speculate.
6 Q. Well, you have been in that
7 facility, did you see more than fifty
8 people in the mail facility?
9 A. Remember, when I was there, it
10 was just for a tour and I wasn't there for
11 the entire twenty-four hours, so I can't
12 say as to who might have been -- how many
13 employees might have been required to have
14 been on the floor at that time or
15 throughout the day.
16 Q. Describe the facility and what
17 it looks like.
18 Are there tables there?
19 A. Are there tables there? Yes.
20 Q. How many tables?
21 A. There is --
22 You are asking when; when I was
23 there for my tour?
24 Q. Yes.
25 A. I would say --

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1 SUTTON
2 MR. LESKO: Don't guess; only
3 if you remember.
4 A. I don't know the exact number
5 that were there for tables.
6 Q. More than ten?
7 A. Within the mail services area?
8 Q. Yes.
9 A. I would say there is more than
10 ten.
11 Q. More than a hundred?
12 A. No.
13 Q. More than fifty?
14 A. No.
15 Q. More than twenty?
16 A. Yes, I could see that there
17 was, yes.
18 Q. And what does the mail service
19 facility do?
20 A. The mail service area is
21 responsible for mailing, putting together
22 letters with envelopes, running these
23 things through a quality check to make sure
24 addresses can be seen within the envelopes,
25 having our work ready for pick up.

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1 SUTTON
2 Q. And what is the process that
3 gets it through the mail facility from the
4 time it gets transferred from the printing;
5 so we now have a thousand notices coming
6 from the printing center to the mailing
7 center, okay, what is the process?
8 A. They identify the higher
9 priority item.
10 Q. And what are higher priority
11 item?
12 A. Higher priority items would
13 include the lapse notices and the grace
14 notices, and they are giving those higher
15 priority over some of the regular mail that
16 need to go out.
17 Q. Okay.
18 A. And that is going out so that
19 it's all being processed in -- certainly in
20 a timely manner.
21 Q. What is the process; so they
22 now separate out higher priority?
23 A. Right.
24 Q. Okay, once they separate out
25 higher priority, where do the higher

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1 SUTTON
2 priority items go?
3 A. They will be going into the
4 mail area and the processor will then take
5 that letter and work it through the, um,
6 what should we call it, a sorter machine
7 and combining any -- folding that and then
8 it's, um, placed within an envelope
9 throughout the machine.
10 Q. What's --
11 A. And then from there, those
12 notices of are taken and again a quality
13 check is reviewed to be sure that we could
14 see the addresses within the windows.
15 And then it's being provided,
16 there is two pick up times during the day,
17 Pitney Bowes arrives and takes our mail.
18 And through then a, um, they use an address
19 database service to then recognize any
20 addresses that aren't current. And if that
21 address is current, then it's being
22 delivered to the United States Postal
23 Service for delivery to the client.
24 Q. Okay. Who does the metering of
25 those envelopes?

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1 SUTTON
 2 The envelopes are metered
 3 envelopes; is that correct?
 4 A. Yes. Yes.
 5 Q. And who does the metering?
 6 A. I would have to actually look
 7 at maybe an exhibit or a document, as far
 8 as those mail procedures.
 9 As far as being metered, I
 10 believe it's at the mail services area,
 11 instead of Pitney Bowes.
 12 Q. But you don't know for sure?
 13 A. I would want to reference the
 14 mail procedures, yeah.
 15 It might even be in the
 16 responses, but I don't recall. I would
 17 have to look at it.
 18 MR. LESKO: So there is a
 19 document that you have seen that
 20 would --
 21 THE WITNESS: Yeah.
 22 MR. LESKO: -- refresh your
 23 recollection?
 24 A. I believe our responses to
 25 interrogatories had that within, and also

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1 SUTTON
 2 our mail procedures.
 3 Q. Other than what you read in the
 4 responses to interrogatories, do you have
 5 any independent knowledge of the mail
 6 procedures?
 7 A. Yeah, again, I have taken the
 8 tour, I have reviewed the procedures, it's
 9 just that I would have to -- I would have
 10 to reference back, as I don't recall.
 11 And I want to make sure I'm
 12 correct and accurate.
 13 Q. Were you involved in the
 14 drafting of those responses to
 15 interrogatories?
 16 A. Yes, I was involved.
 17 Q. And what was your involvement
 18 in the drafting of the responses to the
 19 interrogatories having to do with the
 20 mailing facility?
 21 A. Certainly reviewing the
 22 information and making any corrections, as
 23 needed.
 24 Q. Did you get that information
 25 from a mailing facility in response to

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1 SUTTON
 2 interrogatories?
 3 MR. LESKO: I am going to
 4 object. Calls for attorney-client
 5 communication and work product.
 6 And I am going to request that
 7 you not answer that question.
 8 MR. LIPSIUS: You are
 9 instructing her not to answer?
 10 MR. LESKO: Yes, I am.
 11 Q. Who did you speak to in order
 12 to obtain the information that went into
 13 the response to the interrogatories?
 14 MR. LESKO: Same objection.
 15 Same instruction.
 16 MR. LIPSIUS: Okay.
 17 MR. LESKO: Now you are not
 18 asking her what she did to prep for
 19 this deposition, so that is clearly
 20 off limits.
 21 MR. LIPSIUS: It is not. And
 22 this will all be subject to the
 23 recall and the motions in front of
 24 the judge.
 25 MR. LESKO: Okay. Enjoy.

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1 SUTTON
 2 Q. And when did you contact people
 3 at that facility to retain information in
 4 response to interrogatories?
 5 MR. LESKO: Sam objection.
 6 Same instruction.
 7 A. I don't respond.
 8 Q. Did an attorney ask you to get
 9 those responses?
 10 MR. LESKO: Same objection.
 11 Same instruction.
 12 A. I won't respond.
 13 Q. What function did Pitney Bowes
 14 perform?
 15 A. As mentioned, they are -- their
 16 function is to receive the outgoing mail in
 17 the mail services area. They are providing
 18 also a quality check, making sure that
 19 address can be seen within the window
 20 envelope. And then they are running that
 21 through an address database, so that we
 22 can -- it can be determined if the address
 23 being used is the correct address and then
 24 delivering that to the United States Postal
 25 Service.

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1 SUTTON
 2 Q. How many times a day does
 3 Pitney Bowes receive outgoing mail?
 4 A. Twice a day.
 5 Q. What times?
 6 A. I believe the time is --
 7 And there again, I know one of
 8 the times is 3 o'clock.
 9 Q. Is that p.m.?
 10 A. Yes.
 11 And the other time -- I'm
 12 sorry, I am trying to make sure I am very
 13 accurate on this.
 14 I can't say for certain. I
 15 would have to reference the procedures for
 16 my responses.
 17 Q. Is there a mail room procedure
 18 manual?
 19 A. There are mail procedure that
 20 Frank Vallis has provided, yes.
 21 And that states within that
 22 document what those two times are. I just
 23 want to make sure, um, I am accurate, so I
 24 want to state I know one of the times is
 25 3 o'clock and there is an earlier time, I

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1 SUTTON
 2 believe. I don't know -- I can't say for
 3 certain, without referencing that.
 4 Q. And how long does it take from
 5 the time of printing until a document is
 6 ready to be picked up by Pitney Bowes?
 7 A. The mail --
 8 MR. LESKO: Objection to form.
 9 Vague. Ambiguous.
 10 A. The mail services area, once
 11 they receive their document or batch, it's
 12 going to be out within twenty-four hours.
 13 But you are asking as far as print, so
 14 again, I'm not sure exactly when each batch
 15 would be printed to be ready to go to the
 16 mail services area. So I can't speculate
 17 necessarily for the print area.
 18 Q. Okay. It's been represented
 19 that the print shop ran twenty-four hours a
 20 day, five days a week, as well as a weekend
 21 shift, is that your understanding?
 22 A. If it states within the
 23 responses and I would have signed that,
 24 that's my understanding.
 25 Q. Well, did you write this?

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1 SUTTON
 2 A. Yes, I was involved in the
 3 drafting.
 4 Q. What is the cold storage
 5 system?
 6 A. That is a -- it is --
 7 It's a mechanism of which we
 8 are providing our notices into this
 9 particular software, if you will, to retain
 10 the particulars as far as a notification
 11 for our clients' policies.
 12 MR. LIPSIOUS: Could you read
 13 that back.
 14 (Whereupon, the referred to
 15 answer was read back by the
 16 Reporter.)
 17 Q. The inserting machine, are you
 18 familiar with that?
 19 A. Yes.
 20 Q. And is that in the mail room?
 21 A. The inserting machine is in the
 22 mail room.
 23 Q. Okay, do you know if the
 24 inserting machine ran twenty-four hours a
 25 day?

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1 SUTTON
 2 A. From what I recall, yes.
 3 If it has jobs to be run.
 4 Q. Okay. What quality control is
 5 performed in the mail room?
 6 A. They are pulling out one
 7 hundred pieces of mail -- and, again, you
 8 are asking about mail services -- so to
 9 ensure that they can see that this mail is
 10 indeed accurate, correct and being able to
 11 be mailed out.
 12 Q. Other than pulling out one out
 13 of every hundred, what else?
 14 A. They are ensuring that through
 15 that quality review that, for example, we
 16 can see the address within the window
 17 envelope for the client, and also making
 18 sure that if there is any additional items
 19 that should be stuffed within the envelope,
 20 that those are occurring.
 21 Q. You testified that there was a
 22 check against the National Change of
 23 Address database for address corrections,
 24 correct?
 25 A. I indicated an address

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1 SUTTON
 2 database, and that is performed through
 3 Pitney Bowes.
 4 Q. Now, how do they get those
 5 addresses to check against?
 6 MR. LESKO: Objection to form.
 7 Calls for speculation.
 8 A. I, I don't know the exact,
 9 um --
 10 It is addresses that are
 11 available through the U.S. Postal Service,
 12 as far as the database that is used.
 13 Q. Do you know where Pitney Bowes
 14 presorted the mail?
 15 A. I don't know exactly where.
 16 Q. And you have never seen the
 17 Pitney Bowes facility; is that correct?
 18 A. No, I have not.
 19 Q. Have you ever seen the Pitney
 20 Bowes contract?
 21 A. No.
 22 Q. Do you know what requirements
 23 AIG mandated of Pitney Bowes?
 24 MR. LESKO: Objection to form.
 25 A. I would not know all of the

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1 SUTTON
 2 requirements.
 3 Q. Do you know any of the
 4 requirements?
 5 MR. LESKO: Same objection.
 6 A. Well, yes, I know some of it
 7 does include running them against the
 8 address database and timely processing of
 9 our mail over to the United States Postal
 10 Service.
 11 Q. And --
 12 A. And quality reviews, to ensure
 13 that those are being -- again, those
 14 addresses are being seen in the window
 15 envelopes.
 16 So, yes, I know specifics, but
 17 I can't speculate as to all of the
 18 requirements of Pitney Bowes.
 19 Q. Has the insurance company ever
 20 audited Pitney Bowes performance?
 21 A. I don't know that for certain,
 22 but I would imagine that there are checks
 23 and balances.
 24 MR. LESKO: Don't guess.
 25 THE WITNESS: Okay.

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1 SUTTON
 2 Q. Does Pitney Bowes perform this
 3 service for other AIG companies other than
 4 American General?
 5 MR. LESKO: Objection to form.
 6 A. I don't know the answer to
 7 that.
 8 Q. Is this facility in Texas, the
 9 mail facility, used by other AIG insurance
 10 companies other than American General?
 11 MR. LESKO: Objection to form.
 12 And scope.
 13 A. I don't know.
 14 Q. Is it used for policies of
 15 United States Life?
 16 A. Yes.
 17 Q. Is it used for policies of AI
 18 Life Insurance?
 19 MR. LESKO: Same objection.
 20 A. AI Life Insurance, um,
 21 currently I wouldn't want to speculate as
 22 far as time frame for AI.
 23 Q. How about AIG Life Insurance?
 24 MR. LESKO: Same objection.
 25 A. When it indicates AIG Life

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1 SUTTON
 2 Insurance, yes, currently we are.
 3 Q. AIG Puerto Rico?
 4 MR. LESKO: Same objection.
 5 A. Yes.
 6 Q. Delaware America?
 7 A. Yes.
 8 MR. LESKO: Same objection.
 9 Q. Pacific Union?
 10 MR. LESKO: Same objection.
 11 A. I can't speculate.
 12 Q. You looked in Exhibit 000120
 13 (indicating), correct?
 14 A. Yes, we did.
 15 Q. Okay, to the best of your
 16 knowledge, was a check returned with that
 17 document?
 18 MR. LESKO: Objection. Calls
 19 for speculation.
 20 A. Can you restate the question?
 21 MR. LIPSIOUS: Do you want to
 22 read it back to her.
 23 (Whereupon, the referred to
 24 question was read back by the
 25 Reporter.)

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1 SUTTON
 2 A. Yes, from what I have read on
 3 the form letter, that is my understanding.
 4 Q. Okay. And do you know why the
 5 check was returned?
 6 A. Just with reviewing stein
 7 00120, it is indicating that we are
 8 returning this due to it not being made
 9 payable to American General Life or AIG.
 10 Q. And in the normal course of
 11 business, if a check is received that is
 12 not made payable to one of the AIG
 13 companies, is that check returned?
 14 MR. LESKO: Objection to form.
 15 Vague and ambiguous. Incomplete
 16 hypothetical. Beyond the scope of
 17 the deposition notice and response.
 18 A. We need payments made payable
 19 to our company, yes, generally that is --
 20 that's our procedure, yes.
 21 Q. But my question is in the
 22 normal course of business, would the check
 23 be returned?
 24 MR. LESKO: Same objection.
 25 A. Yes.

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1 SUTTON
 2 Q. And in the normal course of
 3 business, would it be returned with a
 4 letter similar to the one you have,
 5 Exhibit 1, stein 000120?
 6 MR. LESKO: Same objection.
 7 A. Let me -- let me go back a
 8 minute.
 9 When you say normal course of
 10 business, our normal course of business is
 11 that the client's mailing their check to a
 12 P.O. box in our Carol Stream, Illinois
 13 address, okay. And with that, we are
 14 looking to see if it's being made payable
 15 to AIG or American General Life. With that
 16 being said, that check could potentially be
 17 returned, but not returned with this form
 18 (indicating). Because this is a treasury
 19 form (indicating).
 20 Q. The fact that the treasury form
 21 has verbiage that says the check is not
 22 made payable to American General Life
 23 Companies or AIG, we can only deposit
 24 checks made payable to American General
 25 Life Companies or AIG, would that be

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1 SUTTON
 2 indicative that this is not the first time
 3 that this happened?
 4 MR. LESKO: Objection to form.
 5 Calls for speculation.
 6 A. Yes, I would assume so, because
 7 that is an option within their letter that
 8 they have checked, so I assume that that
 9 has happened on more than one occasion.
 10 Q. Okay. And do you know whether
 11 the insured or the owner of the policy sent
 12 another check replacing the one that had
 13 the wrong payment?
 14 MR. LESKO: Objection to form.
 15 Calls for speculation.
 16 A. Did they send another check?
 17 Restate, please?
 18 Q. Yes.
 19 Was another check sent
 20 replacing the one that was made payable to
 21 the wrong party?
 22 MR. LESKO: Same objection.
 23 A. They sent another check; was it
 24 particularly replacing? I recall that
 25 another check did come in, and I believe it

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1 SUTTON
 2 was for the same amount of the prior check
 3 that was returned by treasury.
 4 Q. Okay.
 5 A. That's what I recall.
 6 Q. Okay. And was that check
 7 deposited by the insurance company?
 8 A. Yes.
 9 Q. And do you know where that
 10 check was received within the American
 11 Internal's companies?
 12 MR. LESKO: Objection to form.
 13 A. American General Life, I
 14 believe seeing -- I believe I recall seeing
 15 that they had sent it to American General
 16 Life in the Houston, Texas office.
 17 Q. Okay. And would that be the
 18 same office that had rejected the check
 19 through 000120, Exhibit 1?
 20 MR. LESKO: Objection to form.
 21 A. The same facility, yes.
 22 Q. The same facility, okay.
 23 And after it was deposited, was
 24 the policy kept in force?
 25 MR. LESKO: Objection to form.

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1 SUTTON
 2 A. After it was deposited, was the
 3 policy kept in force is the question?
 4 Q. Correct.
 5 A. The policy was already lapsed
 6 when that check was received, from my
 7 recollection.
 8 Q. Was it already lapsed when the
 9 notice, Exhibit 1, stein 000120 was sent?
 10 A. Okay, let me, just for
 11 clarification, for the record, when you say
 12 "lapsed," I am going to indicate that there
 13 is -- there is two things I want to state,
 14 the policy was in grace, it lapsed with the
 15 termination date of July 20th, it went into
 16 grace in May of '09.
 17 Q. Okay.
 18 A. Okay? So I want to be very
 19 careful as to how we are using that
 20 terminology.
 21 Q. Okay.
 22 A. But as of July 20th of '09,
 23 when treasury returned this check
 24 (indicating), that policy was already in
 25 grace, and it was terminating on July 20th

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1 SUTTON
 2 of '09.
 3 Q. And would that mean that it
 4 terminated on midnight of July 20th of '09?
 5 A. July 20th of '09.
 6 Q. Okay, so if this letter is
 7 dated July 20th and accurately is dated
 8 July 20th, and it was sent on July 20th, at
 9 3:00 p.m., the policy at 3:00 p.m. was not
 10 lapsed at that point; would that be
 11 correct?
 12 MR. LESKO: Objection to form.
 13 It calls for a hypothetical. It's a
 14 hypothetical question. Incomplete.
 15 Calls for speculation.
 16 A. That day, it was terminated.
 17 July 20th, it was terminated.
 18 Q. At what time?
 19 MR. LESKO: Objection to form.
 20 A. At night, at July 20th, as soon
 21 as we hit July 20th of '09, it was
 22 terminated.
 23 Q. So you are saying at
 24 12:01 a.m., July 20th -- that's what I just
 25 want to understand.

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1 SUTTON
 2 A. Yes.
 3 Q. At 12:01 a.m.?
 4 A. It is terminated on that date.
 5 Our system knows that it hits
 6 July 20th, that is the date.
 7 Q. I just want to understand.
 8 A. Yeah.
 9 Q. So it's 12:01 a.m., on
 10 July 20th, it is terminated; is that
 11 correct?
 12 MR. LESKO: Objection to form.
 13 A. We don't stamp it according to
 14 a particular time; it is a day, July 20th
 15 of '09.
 16 MR. LESKO: I am going to
 17 object to this, because you are
 18 asking for a legal conclusion,
 19 interpretation of contracts
 20 application of facts, it's a legal
 21 conclusion.
 22 So she is answering subject to
 23 that objection.
 24 Q. In the general course of
 25 business, if the lapse date was July 20th

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1 SUTTON
 2 and a check was received July 20th at
 3 noontime, would that be accepted as a check
 4 to keep the policy in force?
 5 MR. LESKO: Note my --
 6 A. I cannot --
 7 MR. LESKO: -- objection.
 8 Wait, wait.
 9 Same objection. Also, vague
 10 and ambiguous, base upon the
 11 terminology. You are using legal
 12 terminology.
 13 A. I can't answer, because you are
 14 just asking about a check. A check is
 15 vague.
 16 Q. A check is received by American
 17 General, made payable to American General,
 18 and the lapse date is listed as July 20th,
 19 if the check is received by American
 20 General paying the premium -- and there is
 21 nothing vague about that, and there is
 22 nothing vague, you understood it, but we
 23 will continue this way, anyway -- if a
 24 notice is sent by the company stating you
 25 have to pay \$15,000, whatever the amount

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1 SUTTON
2 may be, we will say \$15,000, or this policy
3 will lapse on July 20th and the check is
4 received by American General on July 20th,
5 is it American General's procedure to
6 consider the policy lapsed or will they
7 accept it and keep the policy in force?
8 MR. LESKO: Objection to form.
9 Incomplete hypothetical and actually
10 assumes inaccurate facts in your
11 hypothetical. It also calls for
12 legal conclusion and is beyond the
13 scope of this witness's knowledge and
14 the reason for which she is here
15 today.
16 MR. LIPSIUS: And my constant
17 objection to your running commentary,
18 where you know under the rules that
19 you can object as to form or direct
20 the witness not to answer and you
21 know it is totally inappropriate.
22 And I will give you how many
23 times you objected, a group of these
24 has been sent to me in other
25 transcripts, so I would appreciate if

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1 SUTTON
2 you behave by your own rules.
3 MR. LESKO: They are not my
4 rules.
5 MR. LIPSIUS: Your own rules
6 and your own intensions.
7 MR. LESKO: Spare me the
8 lecture, stop wasting my time.
9 Same objection.
10 MR. LIPSIUS: If you will not
11 raise these long objections, you
12 would spare all of us our time.
13 MR. LESKO: If you would spare
14 me the lecture, you would not be
15 wasting anybody's time, as you are
16 now, so cut it out, please.
17 MR. LIPSIUS: You cut it out
18 and keep your mouth quiet, other than
19 telling us an objection to a
20 question. If you have an objection,
21 say objection as to form or direct
22 the witness not to answer; otherwise,
23 let me continue my deposition, and
24 following the rules, which you very
25 well know.

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1 SUTTON
2 A. Okay, you are being very
3 specific with a check amount being for
4 \$15,000, you are being very specific with
5 premium, so in those specifics, no, we
6 would not accept that and the policy would
7 remain lapsed.
8 Q. Okay. So when this letter was
9 sent on July 20th, if it was sent on the
10 day that American General claims it was
11 sent, July 20th, this policy had already
12 lapsed; is that correct?
13 MR. LESKO: Same objection.
14 Incomplete hypothetical. Assumes
15 facts not in evidence. It's beyond
16 the scope of this witness's
17 knowledge. And it seeks a legal
18 conclusion.
19 MR. LIPSIUS: This is
20 specifically this case, so you know
21 you are --
22 MR. LESKO: This witness is not
23 here to testify regarding American
24 General's legal position as to --
25 MR. LIPSIUS: There is not

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1 SUTTON
2 legal positions --
3 MR. LESKO: Let me finish,
4 please. Afford me that courtesy.
5 This witness is not here to
6 testify regarding American General's
7 legal stance with respect to the date
8 and time and hour and minute on which
9 this policy lapsed. That is a legal
10 conclusion, which can be dealt with
11 by counsel. Ask her about facts, not
12 positions. Facts.
13 MR. LIPSIUS: This is a fact.
14 MR. LESKO: It is not a fact.
15 A. On July 20th, the date this was
16 prepared by treasury (indicating), the
17 policy was indeed lapsed.
18 Q. Okay.
19 THE WITNESS: And I am going to
20 need a break in a couple of minutes.
21 MR. LIPSIUS: You can take a
22 break right now.
23 THE WITNESS: Okay.
24 (Whereupon, at 2:28 p.m., a
25 recess was taken.)

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1 SUTTON
 2 (Whereupon, at 2:33 p.m., the
 3 examination resumed.)
 4 Q. Do you know the location of the
 5 mailing facility where Pitney Bowes brings
 6 the envelope?
 7 A. No, I don't know that location.
 8 Houston, Texas.
 9 Q. It's a big city.
 10 When did you first learn of
 11 this litigation?
 12 A. I recall it was early June of
 13 2012. It might have even been in May of
 14 2012.
 15 Q. And how did you learn of this
 16 litigation?
 17 A. Just from our -- from our legal
 18 area.
 19 Q. And who in your legal area told
 20 you of this litigation?
 21 A. I don't know specifically who.
 22 I, I would have to check.
 23 Q. Now, was that communication
 24 with your legal area initially orally?
 25 A. No. I probably received, um,

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1 SUTTON
 2 e-mail notification from legal, or it might
 3 have been from my manager, to be involved.
 4 Q. And why were you asked to get
 5 involved?
 6 MR. LESKO: Objection to form.
 7 Calls for speculation.
 8 I don't want you to guess, just
 9 say if you know. And if it's
 10 attorney-client privilege, then do
 11 not.
 12 A. I am the director of
 13 reinstatements, the policy has lapsed.
 14 Q. But you don't recall who
 15 informed you of it, correct?
 16 A. I don't know.
 17 Q. And you don't recall exactly
 18 how you were informed of it, correct?
 19 A. No, I don't recall off the top
 20 of my head, no.
 21 Q. Do you recall whether there
 22 were any e-mails which you knew of anyone
 23 relating to this litigation?
 24 A. Just --
 25 Again, I can't speculate, I

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1 SUTTON
 2 don't recall how I was notified.
 3 MR. LESKO: That's not what he
 4 was asking. He is asking you was
 5 there any e-mails between you and
 6 anyone, and that is including
 7 counsel, so the answer is yes or no.
 8 A. If there were any e-mails, it
 9 was with me and counsel.
 10 Q. Was it between you and --
 11 A. Or --
 12 Q. I'm sorry.
 13 A. I'm sorry. Or -- I will
 14 finish.
 15 Or e-mails as far as I need
 16 assistance with anything as far as what I
 17 have mentioned previously, some contacts
 18 that were made.
 19 Q. That was from you and Frank
 20 Vallis, any e-mails between you and Frank
 21 Vallis?
 22 A. No.
 23 Q. Any e-mails between you and the
 24 director of business services -- Tom, what
 25 was the name? I can't read my handwriting.

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1 SUTTON
 2 A. I'm sorry, what is your note
 3 again?
 4 Q. Director of business services,
 5 you gave me a name.
 6 A. I gave you direct payments.
 7 Q. That may be it. Okay, who was
 8 that?
 9 A. Janet Fleigle.
 10 Q. I have Janet Fleigle.
 11 A. Yes.
 12 Q. Any e-mails between you and
 13 Janet Fleigle?
 14 A. Yes.
 15 Q. Any e-mails between you and
 16 Alyssa?
 17 A. Stokes.
 18 Q. Stokes?
 19 A. No, not that I can recall.
 20 Q. And I think you told me
 21 director of business services --
 22 A. Oh, our business analyst.
 23 Q. Right.
 24 A. For, um, Tomeko Stewart.
 25 Q. Tomeko, that's what I can't

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1 SUTTON
 2 make out.
 3 A. Right.
 4 Q. Sorry.
 5 Any notes between you and
 6 Tomeko Stewart?
 7 A. Yes, we have had some e-mails.
 8 Q. When a challenge was made as to
 9 the lapsing of this policy in early 2010,
 10 were you at all involved in that?
 11 MR. LESKO: Objection to form.
 12 A. No.
 13 Q. You were not approached to get
 14 involved in that, correct?
 15 MR. LESKO: Objection to form.
 16 A. I was not in the customer
 17 services department in 2010.
 18 Q. So then if I understand it, in
 19 2010, you were not aware of this issue,
 20 correct?
 21 A. Not that I recall.
 22 I was in the agent debt
 23 management at the time.. So if this policy,
 24 as far as the activity on this policy, if
 25 it would have created a debt, that policy

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1 SUTTON
 2 might have been something that I would have
 3 been aware of. But I don't recall that.
 4 Q. Okay.
 5 A. So I just want to make sure
 6 that I am very clear for the record of my
 7 involvement and where I was at in 2010.
 8 Q. So then somewhere in May or
 9 June of 2012, you became aware of this
 10 correct?
 11 A. That's --
 12 MR. LESKO: Objection to form.
 13 A. That's from my earliest
 14 recollection, yes.
 15 Q. Okay. And in order to answer
 16 the interrogatories, how many people did
 17 you contact?
 18 MR. LESKO: Objection to form.
 19 I am going to instruct the
 20 witness not to answer, because
 21 whatever she did was at our direction
 22 and that is attorney-client privilege
 23 and what you are seeking is discovery
 24 about discovery, so I am going to
 25 direct the witness not to answer.

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1 SUTTON
 2 A. I don't answer.
 3 Q. Can you identify anyone not in
 4 the legal department that you consulted in
 5 answering the interrogatories?
 6 MR. LESKO: Same objection.
 7 Same instruction.
 8 Q. Can you identify all attorneys
 9 which you consulted in answering the
 10 interrogatories?
 11 MR. LESKO: Same objection.
 12 Same instruction.
 13 Q. Did you gather any information
 14 for the document production that American
 15 General produced in this case?
 16 MR. LESKO: Objection to form.
 17 A. Could you restate?
 18 MR. LIPSIOUS: You want to read
 19 it back to her.
 20 (Whereupon, the referred to
 21 question was read back by the
 22 Reporter.)
 23 MR. LESKO: Same objection.
 24 A. Okay, I am basing this on
 25 recollection, I recall that I may have

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1 SUTTON
 2 pulled the grace and lapse notices and
 3 general policy information that I could see
 4 on this policy.
 5 Q. From the time that you first
 6 got involved until today, have you spoken
 7 to anyone in American General's legal
 8 department regarding this matter?
 9 MR. LESKO: It's just yes or
 10 no.
 11 A. Have I spoken --
 12 Restate, please?
 13 MR. LIPSIOUS: Could you repeat
 14 the question.
 15 (Whereupon, the referred to
 16 question was read back by the
 17 Reporter.)
 18 A. Yes, I have communicated, shall
 19 I say.
 20 Q. Have you communicated orally
 21 with anyone?
 22 A. No.
 23 Q. Does --
 24 A. I take that back.
 25 I left a voice mail for our

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1 SUTTON
 2 legal -- American General's legal counsel,
 3 yes.
 4 Q. And did you get a voice mail
 5 back?
 6 A. I got a response via e-mail.
 7 Q. Have you written any internal
 8 memoranda on the issues involved in this
 9 litigation?
 10 MR. LESKO: Objection to form.
 11 A. You indicated internal
 12 memoranda?
 13 Q. Was there anyone within the AIG
 14 written memorandum about any of the issues
 15 regarding this litigation?
 16 MR. LESKO: Same objection.
 17 A. There again, I have indicated
 18 in my prior testimony that I have had
 19 e-mails, so not an official letter, but
 20 there has been e-mails.
 21 Q. That would be outgoing e-mails,
 22 correct?
 23 MR. LESKO: Objection to form.
 24 A. Internal e-mails.
 25 Q. No, but going out to someone

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1 SUTTON
 2 else.
 3 A. Just those people that I have
 4 indicated.
 5 Q. And were those e-mails copied
 6 into the policy system you talked about
 7 earlier?
 8 MR. LESKO: Objection to form.
 9 A. I can't speculate if those have
 10 been or not.
 11 Q. Did you have --
 12 A. Those have all --
 13 Q. I'm sorry.
 14 A. Those have occurred just within
 15 the last couple of days.
 16 Q. How about in May or June, when
 17 you first found out, did you send out any
 18 e-mails to anybody regarding this?
 19 A. No, not that I recall.
 20 This was -- I believe, from my
 21 recollection, I was just obtaining
 22 information myself on this particular
 23 policy as far as policy documents that I
 24 might have reviewed.
 25 Again, that's based on my

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1 SUTTON
 2 recollection.
 3 Q. Okay. Now, the e-mails that
 4 you have sent in the past few days, have
 5 you moved them over to the system that you
 6 discussed earlier?
 7 A. I have not personally.
 8 Q. Okay. And would it be your job
 9 to move them over?
 10 MR. LESKO: Objection to form.
 11 Calls for speculation.
 12 A. I would -- I would seek advice
 13 from counsel, actually, on that.
 14 Q. In the other litigations you
 15 were involved in, did you move your e-mails
 16 over to this system?
 17 A. I personally did not.
 18 Q. Okay, and is there anybody else
 19 who could move your e-mails over?
 20 A. Yes.
 21 Our staff.
 22 Q. Okay, would they do so without
 23 your direction?
 24 A. They may have.
 25 Q. You don't know if they did or

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1 SUTTON
 2 did not --
 3 A. I do not.
 4 Q. -- correct?
 5 And you did not direct them to
 6 do so, correct?
 7 A. I did not.
 8 Q. In the normal course of
 9 business, do you move your own e-mails over
 10 into the system?
 11 MR. LESKO: Objection to form.
 12 Vague. Ambiguous. It's an
 13 incomplete hypothetical. Calls for
 14 speculation.
 15 A. You are talking about, you
 16 know, various situations. As far as when
 17 you say e-mails, um, you know, I work with
 18 my staff and managers on other things
 19 concerning what I have to do daily on my
 20 job, so, no, I don't direct staff on all of
 21 my e-mails.
 22 Q. Who moves your e-mails over in
 23 the regular course of your business
 24 operation?
 25 A. If it's --

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1 SUTTON
 2 MR. LESKO: Same objection.
 3 A. If it would be pertinent to the
 4 policy, my processors would be doing so.
 5 Q. And do you direct them to do it
 6 or?
 7 MR. LESKO: Same objection.
 8 A. I don't need to direct them;
 9 they know their processes.
 10 Q. Do your processors move over
 11 your personal e-mails, an e-mail that you
 12 would send to someone else within the
 13 company?
 14 MR. LESKO: Objection to form.
 15 A. If it's --
 16 MR. LESKO: Wait a minute.
 17 Same objection. This is way
 18 beyond the scope. Same objections to
 19 before. Also assumes facts not in
 20 evidence.
 21 Q. Please answer the question.
 22 A. Yes, again, if it's pertinent
 23 to the policy, then --
 24 MR. LESKO: He asked you about
 25 personal e-mails, not policy e-mail.

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1 SUTTON
 2 Q. No, no, no, e-mails that are
 3 pertinent to the policy, e-mails having to
 4 do with any issue, do you move them over as
 5 a general rule, if you would send --
 6 MR. LESKO: Same objections and
 7 asked and answered.
 8 A. Again, our processors are doing
 9 that.
 10 Q. And do your processors have
 11 full access to your e-mail account?
 12 MR. LESKO: Object to form.
 13 A. They do not have access to my
 14 e-mail account. But if they receive an
 15 e-mail instructing them on a decision on a
 16 case, they know to use that e-mail, and
 17 that is part of their process.
 18 Q. But if you receive an e-mail
 19 from a third party to you and they do not
 20 receive a copy of that e-mail, they would
 21 not be able to move it over; is that
 22 correct?
 23 MR. LESKO: Hold on.
 24 Vague. Ambiguous. Incomplete
 25 hypothetical. Overbroad. Beyond the

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1 SUTTON
 2 scope.
 3 A. A third party, I mean, that
 4 could be anybody.
 5 Q. Okay, if I would send you an
 6 e-mail, I would send an e-mail to you
 7 having to do with a matter, and it was just
 8 to you --
 9 MR. LESKO: You, Ira Lipsius,
 10 as lawyer?
 11 MR. LIPSIUS: Yes.
 12 MR. LESKO: Okay.
 13 Q. -- and a copy is not going to
 14 anyone else, could your processors access
 15 your e-mail and move it over to the system?
 16 A. They can't access my system.
 17 As I stated earlier.
 18 Q. So you would be the only one,
 19 then, that could move it over?
 20 A. I could move it over, yes.
 21 Q. Okay. You would be the only
 22 one that could move it over, correct?
 23 MR. LESKO: Objection to form.
 24 Calls for speculation.
 25 A. If you are asking me

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1 SUTTON
 2 personally, I am receiving an e-mail, it's
 3 my e-mail account, so I have the authority
 4 and I am the one that can move the e-mail.
 5 Q. Right.
 6 A. I am the one, yes.
 7 Q. That is exactly what I want to
 8 know.
 9 To the exclusion of anyone
 10 else, correct?
 11 MR. LESKO: Objection to form.
 12 Calls for speculation.
 13 A. Yes.
 14 It's my e-mail account.
 15 Q. So, therefore, the decision
 16 whether to move it over or not move it over
 17 would then have to be made by you?
 18 MR. LESKO: Same objection.
 19 Overbroad. Ambiguous. Incomplete
 20 hypothetical.
 21 A. My e-mails are at my -- I mean,
 22 those are being received by me, so someone
 23 else can't move it for me.
 24 Q. Good, exactly. Thank you.
 25 For how long a period are your

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1 SUTTON
 2 e-mails kept, if you don't destroy them?
 3 MR. LESKO: Objection to form.
 4 It's beyond the scope of the
 5 deposition notice and the subject
 6 matter for which this witness is
 7 presented.
 8 Q. You can answer the question.
 9 MR. LESKO: If you know the
 10 answer, you can answer the question.
 11 A. Can you restate?
 12 Q. Okay, well, let's start, I will
 13 make it easy, if you would want to look up
 14 one of your e-mails from a year ago, could
 15 you do that?
 16 MR. LESKO: If you know.
 17 A. Our e-mails activity --
 18 Activity is occurring with our
 19 e-mails and we could do a number of things
 20 with those, so it's a very general kind of
 21 question.
 22 If I would have deleted an
 23 e-mail, then having had that, I, I don't
 24 know if it's restored or saved anywhere.
 25 Q. Okay.

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1 SUTTON
 2 A. Unless I have saved it.
 3 Q. Okay.
 4 A. Or I have it in my sent folder,
 5 if I have sent it to someone.
 6 Q. Okay.
 7 A. So that's a pretty general type
 8 of question.
 9 Q. Good, that's exactly what I
 10 wanted to know the answer to.
 11 A. Okay.
 12 Q. You are answering correctly.
 13 So, therefore, if you delete
 14 it, as I understand, if you take an e-mail
 15 and delete it, you would not be able to
 16 retrieve it; is that correct, to the best
 17 of your knowledge?
 18 MR. LESKO: Not to the best of
 19 your knowledge; if you know one way
 20 or the other, you can answer it. If
 21 you don't know for certain, don't
 22 answer the question, don't speculate.
 23 A. Yeah, I don't know.
 24 Q. Have you ever tried to retrieve
 25 a deleted e-mail?

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1 SUTTON
 2 A. Not that I can recall.
 3 Q. Okay.
 4 A. I haven't had the need to.
 5 Q. Okay. Is there any system that
 6 automatically deletes e-mails older than a
 7 certain age?
 8 MR. LESKO: This is if you
 9 know.
 10 Objection to form. Scope.
 11 What time period? Vague. Ambiguous.
 12 Overly broad. Beyond the scope. Et
 13 cetera.
 14 A. Yeah, you are asking many
 15 systems, so no, I can't answer, I wouldn't
 16 know.
 17 Q. If you would look for an e-mail
 18 from three years ago, does your computer
 19 systems have three-year old e-mails?
 20 MR. LESKO: Same objections.
 21 A. Yes, I can access my e-mails
 22 from three years ago, yes.
 23 Q. Five years ago?
 24 A. Yes.
 25 Q. Okay.

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1 SUTTON
 2 A. Uh-huh.
 3 Q. Ten years ago?
 4 A. Yeah.
 5 MR. LESKO: Same objections to
 6 these questions, by the way.
 7 Q. And you can do that right from
 8 your computer at your desk, right?
 9 MR. LESKO: Same objection.
 10 A. Yes, I have an archived
 11 mailbox.
 12 Q. Okay. But please know --
 13 MR. LESKO: Stop. There is no
 14 question.
 15 THE WITNESS: Okay, all right.
 16 Q. Are there any physical records,
 17 meaning non-computer records, maintained
 18 relating to the policy at issue?
 19 MR. LESKO: Objection to form.
 20 Overly broad. Vague. Ambiguous.
 21 A. I can't answer for all of the
 22 areas that may have been involved in this
 23 policy since issue or when the ap was
 24 submitted for review.
 25 Q. Do you know of any physical

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1 SUTTON
2 records within any of the divisions of
3 American General AIG, the insurer, relating
4 to this policy?
5 A. Restate, please?
6 MR. LIPSIUS: You want to read
7 that back to her.
8 (Whereupon, the referred to
9 question was read back by the
10 Reporter.)
11 MR. LESKO: Objection.
12 A. Yes, as to -- it's my
13 understanding that there would be file
14 reference from the treasury department.
15 Q. And what does "file reference"
16 mean?
17 A. That as far as retention of
18 that copy of July 20th of '09, it is
19 possible. I don't know that for a fact,
20 though.
21 MR. LESKO: Well, so then you
22 are speculating?
23 THE WITNESS: Yes, I am
24 speculating, because I don't have
25 hard evidence yet.

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1 SUTTON
2 Q. Other than that, do you know of
3 any physical record?
4 A. Not that I can think of.
5 Q. In general, is the company a
6 paperless company, as you understand it?
7 MR. LESKO: Objection to form.
8 A. Yes, over the last several
9 years, we have made strides towards
10 becoming paperless.
11 Q. Does Pitney Bowes maintain a
12 record of how many pieces of mail are
13 mailed each day?
14 MR. LESKO: Objection. Calls
15 for speculation.
16 A. I don't know for certain.
17 Q. Does American General or all of
18 the AIG companies that use that mailing
19 facility keep a record of how many pieces
20 of mail are mailed each day?
21 MR. LESKO: Objection to form.
22 A. I don't know the specifics of
23 what and how they retain.
24 Q. The answer is you don't know if
25 there is such a record, correct?

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1 SUTTON
2 MR. LESKO: Objection to form.
3 A. I don't --
4 MR. LESKO: Assumes testimony.
5 A. As mentioned, I don't know the
6 specifics as to how they are logging and
7 that type of thing.
8 Q. Do you know if even they are
9 logging in?
10 A. Yes, I believe they are logging
11 in, keeping track.
12 Q. Who would have the record of
13 how many pieces of mail were mailed each of
14 the relevant days?
15 A. I think Frank Vallis could be
16 of help as far as from the mail services
17 area, as far as how many -- just a complete
18 answer to your question, as far as how many
19 pieces of mail have been sent on that
20 particular day, Frank Vallis could be of
21 help.
22 Q. And is this mail presorted by
23 zip code by Pitney Bowes?
24 A. There is a three digit zip
25 presort that is occurring. But I believe

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1 SUTTON
2 it is with the mail services. I can't be
3 certain of that.
4 I would want to reference again
5 from what I mentioned earlier, the mail
6 procedures that I recall a presort of a
7 three digit zip.
8 It's either mail services or
9 Pitney Bowes.
10 Q. Does United States Life
11 Insurance use the same mailing facility as
12 American General Life?
13 MR. LESKO: Objection. I
14 believe that was asked and answered.
15 A. What time frame are you asking,
16 please?
17 Q. 2009, May --
18 A. Yes.
19 Q. -- June. Okay.
20 Is it your belief as the
21 30(b)(6) designee or American General's
22 belief, that the mail is brought to the
23 U.S. postal facility on the date indicated
24 on the notice?
25 A. Restate?

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1 SUTTON
2 MR. LIPSIUS: Could you read it
3 back to her.
4 (Whereupon, the referred to
5 question was read back by the
6 Reporter.)
7 A. It is mailed twenty-four hours
8 from when the mail services area receives
9 that mail.
10 MR. LESKO: Twenty-four hours
11 from?
12 THE WITNESS: Within
13 twenty-four hours.
14 A. I would like to clarify that
15 that is being mailed within
16 twenty-four hours of the mail services area
17 having received it.
18 Q. Okay.
19 MR. LIPSIUS: At this point,
20 there are many questions you have not
21 answered as a result of counsel's
22 objection and we intend to recall
23 you, in accordance with what the
24 Court has stated in an order today
25 and, therefore, as far as I am

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1 SUTTON
2 concerned, and Mr. Lesko may believe
3 otherwise, this deposition will be
4 continued, to get answers to the
5 numerous questions where we believe
6 improper objections were made. Not
7 just those that have been ruled upon
8 by the judge, but many others that
9 will be subject to a motion.
10 MR. LESKO: So, in other words,
11 you are done for today?
12 MR. LIPSIUS: Yes.
13 MR. LESKO: Okay.
14 (Whereupon, at 3:03 P.M., the
15 Examination of this Witness was
16 concluded.)
17
18
19 DEBBIE SUTTON
20
21 Subscribed and sworn to before me
22 this ____ day of ____ 20__.
23
24 NOTARY PUBLIC _____
25

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1 SUTTON
2 E X H I B I T S
3
4 PLAINTIFF EXHIBITS:
5
6 EXHIBIT EXHIBIT PAGE
7 NUMBER DESCRIPTION
8 1 Copy of document entitled,
9 "Notice of Deposition
10 Pursuant to Fed. R. Civ P.
11 30(b)(6) of American
12 General Life Insurance
13 Company" and attachments,
14 seven pages 19
15 2 Copy of document entitled
16 "Summons and Complaint,"
17 dated July 30, 2011,
18 six pages 51
19 3 Copy of document entitled,
20 "Amended Complaint,"
21 dated August, 28, 2012,
22 four pages 51
23 4 Copy of document entitled,
24 "Answer," dated January,
25 6, 2012, six pages 52
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"Notice of Payment Due,"
prepared date, 6/3/2009,
one page 73
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EXAMINATION BY PAGE
MR. LIPSIUS 5

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1 SUTTON
2 C E R T I F I C A T E
3
4 STATE OF NEW YORK)
5 COUNTY OF KINGS :) SS.:
6
7 I, CLEO SHENKIN, a Notary Public for
8 and within the State of New York, do hereby
9 certify:
10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.
14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or by marriage and that I
17 am in no way interested in the outcome of
18 this matter.
19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 6th day of September 2012.
21
22 CLEO SHENKIN
23
24
25

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